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Ministry of the Attorney General

Annual
Report
1974-75

The Honourable R. Roy McMurtry, Q.C.
Attorney General

F. W. Callaghan, Q.C.
Deputy Attorney General



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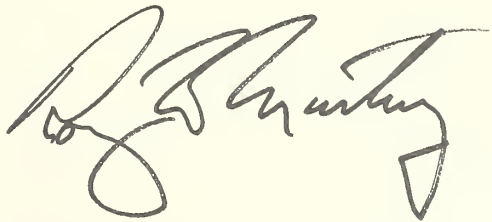
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To Her Honour the Lieutenant Governor
in Council

May it please Your Honour:

It is my pleasure to present to your Honour
the Annual Report of the Ministry of
the Attorney General.

A handwritten signature in black ink, appearing to read 'R. Roy McMurtry'. The signature is fluid and cursive, with a large loop at the end.

The Honourable R. Roy McMurtry, Q.C.
Attorney General



February 24, 1976

The Honourable R. Roy McMurtry, Q.C.
Attorney General
18th Floor, 18 King Street East
Toronto, Ontario

Dear Sir:

I have the honour to submit to you the first Annual Report of the Attorney General for the Province of Ontario pursuant to the provisions of section 7 of the *Ministry of the Attorney General Act*, R.S.O. 1970, c. 116 as amended by S.O. 1971-72, c. 1, s. 9 (previously entitled *The Department of Justice Act*).

Section 7 first appeared in the legislation in the Statutes of Ontario for 1968-69. Although various reports relating to ministerial operations have been submitted from time to time, it has been determined that no Annual Report has been submitted by any former Attorney General.

This, then, is the first Annual Report. Undoubtedly improvements in content and in the style of presentation will be made in future Annual Reports. However, this Report was compiled by many devoted people in your Ministry, in a period of intense activity. I would not want this opportunity to pass without saying how much I have appreciated their loyalty, support and tireless energy.

All of which is respectfully submitted,

A handwritten signature in dark ink, appearing to read 'F. W. Callaghan'. The signature is fluid and cursive, with a long horizontal stroke at the beginning and a large, sweeping 'F'.

F. W. Callaghan
Deputy Attorney General

**Attorneys General of the Province
of Ontario 1867-1975**



Hon. J. S. Macdonald, Q.C.
1867-1871



Hon. Adam Crooks, Q.C.
1871-1872



Hon. Oliver Mowat, Q.C.
1872-1896



Hon. A. S. Hardy, Q.C.
1896-1899



Hon. John M. Gibson, Q.C.
1899-1904



Hon. F. R. Latchford, K.C.
1904-1905



Hon. J. P. Whitney, K.C.
1905



Hon. J. J. Foy, K.C.
1905-1914



Hon. I. B. Lucas
1914-1919



Hon. W. E. Paney
1919-1923



Hon. W. F. Nickle
1923-1926



Lt. Col. The Hon. William H. Price, K.C.
1926-1934



Hon. Arthur W. Roebuck, K.C.
1934-1937



Hon. Paul Leduc, K.C., LL.M., LL.D.
1937



Hon. Gordon D. Conant, K.C.
1937-1943



Hon. Eric W. Cross, K.C., M.A.
1943



Hon. Leslie E. Blackwell, K.C.
1943-1949



Hon. Dana H. Porter, Q.C., LL.D.
1949-1955



Hon. A. Kelso Roberts, Q.C., LL.D.
1955-1962



Hon. Fred M. Cass, Q.C.
1962-1964



Hon. A. A. Wishart, Q.C.
1964-1971



Hon. Allan F. Lawrence, Q.C.
1971-1972



Hon. Dalton A. Bales, Q.C.
1972-1974



Hon. Robert Welch, Q.C.
1974-1975



Hon. John T. Clement, Q.C.
1975



Hon. R. Roy McMurtry, Q.C.
1975-

The Office of the Attorney General

Historic Independence of the Office

The Attorney General, holder of an office which has existed in Canada since 1769 and in England since the 13th century, is unique among ministers of the Crown. Although he must function politically in administering a major government ministry he must be above all political considerations in the exercise of his responsibilities as attorney to the Queen. As the Honourable James McRuer wrote in his *Inquiry into Civil Rights*:

The Attorney General must of necessity occupy a different position politically from all other Ministers of the Crown. As the Queen's Attorney, he occupies an office of judicial attributes and in that office he is responsible to the Queen and not responsible to the Government. He must decide when to prosecute, when to discontinue a prosecution. In making such decisions, he is not under the jurisdiction of the Cabinet, nor should such decisions be influenced by political considerations. They are decisions made as the Queen's Attorney and not as a Member of the Government of the day.

This independence of the Attorney General was so strongly stressed in England that until recent times it was considered inappropriate for him to be even a Member of Parliament, much less a member of the Cabinet. In Canada, however, since the 1850's, it has been felt that membership in the Cabinet is essential if the Attorney General is to be head of an administrative department. As a Cabinet minister and member of the Assembly, the Attorney General is in all matters ultimately answerable to the legislature, but in matters relating to criminal prosecutions, he is open to questioning and censure only after the termination of any particular criminal proceedings. Any suggestion of political pressure in relation to the administration of criminal justice would be abhorrent to the most fundamental constitutional precepts.

Protection of Civil Rights

This barrier between the Attorney General and politics is somewhat less rigid when he is serving as legal adviser to the government in non-criminal matters. Even here, however, he must be constantly aware that the public depends on him for protection from legislative invasion of civil rights. Accordingly, in advising on legislation, the Attorney General must ensure that government policy and political considerations are secondary to the trust that he holds for the public at large. This general duty to the public also includes representation of the Crown in the courts in all matters in which rights of a public character come into question. These include cases involving charities or persons of unsound mind, and those cases of a public nature where the use of the Attorney General's name is necessary to maintain an action, as in cases to abate a public nuisance.

Specific Functions and Duties

In Ontario, the specific functions and duties of the Attorney General may be considered under the following headings:

- 1) Supervision of the Machinery of Justice;
- 2) Supervision of Law Enforcement;
- 3) Supervision of Government Litigation;
- 4) Supervision of Legislation.

Supervision of the Machinery of Justice

In broad outline, supervision of the machinery of justice involves the administration of Ontario Courts, the appointment and supervision of the staff necessary for the administration of justice, the supervision of Crown Attorneys, the Public Trustee, the Official Guardian and the Accountant of the Supreme Court, and all matters connected with judicial offices. In addition, the Attorney General is responsible for recommending the appointment of judges to the Provincial Courts (Family and Criminal Divisions), and provincial Small Claims Court judges.

Supervision of Law Enforcement

Directing the prosecution of criminal cases remains one of the most important historic and traditional duties of the Attorney General. This is to be distinguished from the investigation and policing aspects of law enforcement, including the supervision of the Ontario Provincial Police, which is now the responsibility of the Solicitor General. This division of duties helps to ensure a judicial approach to the exercise of the Attorney General's unique and absolute prosecutorial discretion. All prosecutions on behalf of the Crown are conducted by or are subject to the supervision of agents of the Attorney General. In the past, it was the practice in this province to appoint special counsel to prosecute for each session of the courts; at present, almost all trials are taken by salaried Crown Attorneys whose duties as the Attorney General's agents are defined by statute.

Supervision of Government Litigation

Civil litigation on behalf of the government or government agencies covers a wide field ranging from tort law to involved matters of judicial review of decisions of tribunals and difficult questions of constitutional law. Lawyers in the civil litigation branch of the Ministry of the Attorney General represent the interests of the province and of various other ministries of government in such disputes.

Supervision of Legislation

The Attorney General is specifically charged by statute with a duty to advise the government upon all matters of law connected with legislative enactment, and to superintend all government measures of a legislative nature. He has the further duty of advising the heads of the ministries and agencies of the government upon all matters of law connected with their affairs.

In performing these duties, the Attorney General employs legislative counsel, who

prepare draft legislation to implement ministerial programmes. Further, all lawyers in the legal department of the various ministries are in the employ of the Attorney General, but are seconded to those ministries. This helps to maintain the lawyers' independence from the operating necessities of particular ministries, thus ensuring that the legal opinions which guide government action are given from positions of objective neutrality.

In addition to the broad responsibilities of supervising all government legislation which he bears as chief law officer of the Crown, the Attorney General has the specifically delegated duty to administer certain statutes of Ontario. In this area, the Ministry staff functions much as departmental solicitors in every ministry, developing and adjusting legislative programmes for Cabinet approval.

The Attorney General fulfils these widespread responsibilities through the staff of the Ministry of the Attorney General. Directed by the Deputy Attorney General, the Ministry has specialized divisions dealing with each of the Attorney General's functions. This Annual Report details the activities of the Ministry for the 1974-75 fiscal year.

The Role of the Courts

Function

The basic function of a court system in a civilized society is the impartial adjudication of disputes without resort to violence. As part of the institutional framework for the peaceful resolution of conflicting interests, the courts of law stand at the pivotal point of the scales of justice, ready to apply the rule of law to the issues between the parties coming before them. They represent the replacement of the naked power of force by the authoritative power of reason, knowledge, wisdom and experience.

The courts form the heart of the legal system in Canada. The legislatures are the primary policy-makers, but the courts have both an adjudicative role in determining facts and declaring the legal consequences of such facts and also a limited policy role in interpreting the broad rules established by the legislatures. The combination of these roles is what is usually termed the exercise of judicial power; the product is what is referred to as "justice". The quality of justice is dependent on both the quality of the persons appointed to be judges to perform these combined roles and the legal institutions called courts in which they function.

In Ontario, the Attorney General is responsible for the establishment and administration of all courts, civil and criminal. As well, he appoints the members of the Provincial Courts, Criminal and Family Divisions, and the Small Claims Courts.

Courts with Civil Jurisdiction

There are three levels of trial courts in Ontario with jurisdiction over civil matters. At the lowest level are the Small Claims Courts. In broad terms, the jurisdiction of these courts is determined by monetary levels, subject matter and territorial considerations. The province is divided territorially into 133 Small Claims

Court divisions. A separate Small Claims Court, complete with administrative offices and staff, is maintained in each division.

Jurisdiction

These courts have jurisdiction to adjudicate most civil disputes where the amount claimed does not exceed \$400, although certain more serious cases, such as those involving the recovery of land or defamation of character, must be brought in the higher courts regardless of the amount in dispute. In northern districts, where large distances add to the cost of appearing in the more widely dispersed higher courts, this monetary limit is set at \$800 to promote greater use of these convenient courts.

Informality

The purpose of the Small Claims Courts is to provide a forum for the quick, informal and inexpensive adjudication of disputes over small monetary amounts. For example, to commence an action, the plaintiff need only set his claim out informally in a statement which the court staff will deliver to the defendant. The complicated pleadings of the higher courts, which usually entail the expense of hiring legal counsel, are avoided. Jury trial is not available in the Small Claims Courts, nor is it necessary for a person's representative to be a lawyer. The judge is directed to dispose of all disputes in a summary manner, without strict regard to formality. Generally, an appeal to the Divisional Court of the High Court of Justice can be taken from Small Claims Court judgments only where the amount in dispute is greater than \$200. Consequently, expensive appeals are precluded where small sums are at stake.

The Small Claims Courts are, for the most part, presided over by County Court judges. In some instances, this function is performed by special Small Claims Court judges appointed by the province.



Courts in Ontario

County and District Courts

The County and District Courts constitute the intermediate level of trial courts with civil jurisdiction in Ontario. There is a County Court in each county, and a District Court in each of the northern districts. Generally, these courts have jurisdiction to hear disputes over any amount of money, but, where the amount in dispute exceeds \$7,500, the defendant may have the action transferred to the High Court. As in the case of the Small Claims Courts, the County Court has no jurisdiction to hear certain cases, such as suits for libel. The procedure in these courts, like that in the High Court, is much more formal and complex than that used in the Small Claims Courts. Persons rarely appear without legal counsel, and in many cases, either party may require trial by judge and jury. Any party may appeal a judgment of a County or District Court to the Ontario Court of Appeal.

Sittings of these courts are held on a regular basis in each county and district. They are presided over by a County or District Court judge, of which there are 105 in the Province, including one Chief Judge. These judges are appointed to office by the federal government.

Supreme Court of Ontario

The highest civil court in the province is the Supreme Court of Ontario, which consists of three divisions: the High Court of Justice, which is the trial division; the Divisional Court of the High Court, which has jurisdiction to hear certain appeals; and the Ontario Court of Appeal, which hears only appeals, and is the highest court in the province.

The High Court consists of the Chief Justice of the High Court and 31 other Supreme Court judges, all appointed by the federal government. Its primary function is to try the more important civil and criminal matters in the province. It is not subject to supervisory control by any other court, except by due process of appeal to the Court of Appeal and the Supreme Court of Canada.

Superior Court Jurisdiction

The High Court possesses an inherent jurisdiction which is derived not from statute or from common law, but from its very nature as a superior court of law. This inherent jurisdiction includes the power to punish for contempt, to enforce its own orders and judgments, and to supervise and review proceedings of inferior courts and many statutory tribunals. This inherent jurisdiction also involves residual powers on which the court may draw to protect the rights of the individual, and to give a remedy where the individual has been deprived of certain rights to which he is entitled. As a superior court of record, the High Court has both civil and criminal jurisdiction. It has virtually unlimited jurisdiction in civil matters, except to the extent that jurisdiction is taken away in unequivocal terms by statutory enactment. With certain exceptions, any party before this court may demand a trial by judge and jury. Most actions, however, are disposed of by a judge alone. An appeal to the Court of Appeal lies from all trial judgments of this court.

The High Court sits continuously in Toronto from September through June. Periodically, and at least twice a year, judges of the High Court hold sittings in each county and district in the province.

The Divisional Court

The Divisional Court was created in 1972 by provincial statute as a division of the High Court of Justice. It consists of the Chief Justice of the High Court and such other judges of the High Court as he designates. The Court sits continuously in Toronto from September through June, and periodically in other major centres across the province. A panel of three judges is required to hear all matters over which the court has jurisdiction. This jurisdiction, defined by *The Judicature Act*, includes appeals from final judgments or orders of the Master, and with leave, from interlocutory judgments or orders of a judge of the High

Court. The Court also has jurisdiction to hear appeals from the decisions of most statutory tribunals other than courts of law.

Court of Appeal

The Court of Appeal for Ontario, the appellate division of the Ontario Supreme Court, is the highest court in the province. It consists of the Chief Justice of Ontario and thirteen other justices of appeal, all appointed by the federal government. The court sits only in Toronto; it hears appeals from judgments of the High Court of Justice and the County and District Courts. In certain limited cases, an appeal lies as of right from this court to the Supreme Court of Canada.

Surrogate Court

The Surrogate Court has jurisdiction generally in matters relating to the estates of deceased persons. It is presided over by a judge appointed by the provincial government, which in Ontario appoints County and District Court judges (federal appointees) to this position. Certain contentious issues arising in this court may be transferred to the High Court, which has concurrent jurisdiction in some matters. An appeal from judgments of this court lies to the Court of Appeal.

Provincial Court (Family Division)

A Provincial Court (Family Division) exists in each county and district in the province. All judges of this court are appointed by the government of Ontario. The court has broad jurisdiction in family matters (other than divorce) conferred on it by various statutes of Ontario. In addition to dealing with the obligations of parents toward each other and toward their children, this court is primarily responsible for the trial of juveniles (persons under 16 years of age) who are charged with breaches of the criminal law.

Courts with Criminal Jurisdiction in Ontario

Provincial Court (Criminal Division)

The Provincial Courts (Criminal Division), presided over by judges appointed by the Ontario government, have jurisdiction to try persons charged with most offences created by the *Criminal Code* and other federal statutes, as well as all offences created by provincial legislation. Proceedings before this court, before a judge without a jury, are usually summary in nature. The vast majority of trials for indictable offences (over 90%) are held in this forum. In addition, the Provincial Court judge holds preliminary hearings in criminal cases to be tried in the higher courts.

County Court Judges Criminal Court and General Sessions of the Peace

A person accused of an indictable offence which is not in the absolute jurisdiction of a judge of the Provincial Court and not one customarily tried before the High Court of Justice may elect to be tried before either a County or District Court judge sitting either alone or with a jury. Where the judge sits alone, this court is known as the "County or District Court Judges Criminal Court"; where the judge sits with a jury, the court is known as "The Court of General Sessions of the Peace." Both courts exist in every county and district in Ontario.

Supreme Court

The High Court of Justice has jurisdiction to try any indictable offence. All criminal trials in this court are heard by a judge of the High Court, sitting with a jury. The vast majority of offences tried in this court are the most serious offences, including murder, manslaughter, criminal negligence and rape.

Courts in Ontario

Court of Appeal

In Ontario, appeals may be taken to the Court of Appeal for Ontario by persons convicted of indictable offences as of right in certain circumstances and only with leave of that court in others. Similarly, in some circumstances, an appeal may be launched by the Attorney General for the province against the acquittal of a person accused of an indictable offence. These circumstances are set out in the Criminal Code. Those persons convicted of summary conviction offences, created either by federal or provincial statutes, may appeal either by way of a stated case to the Supreme Court of Ontario or by way of a new trial in the County or District Court, and in each instance thereafter to the Court of Appeal with leave of that court on a question of law.

Court Accommodation

History of Problem

The problem of inadequate court facilities predates Confederation. The situation in the Town of York in 1815, before the City of Toronto was incorporated, is described by a leading authority as follows:

In 1815 the courts met in hopelessly inappropriate and unsatisfactory quarters. The jail was a dilapidated log building erected in 1798, in which the extraordinary discomfort of the prisoners made up for the ease with which they escaped.

Indeed, in 1815 the Lieutenant Governor of Upper Canada wrote to the Colonial Secretary:

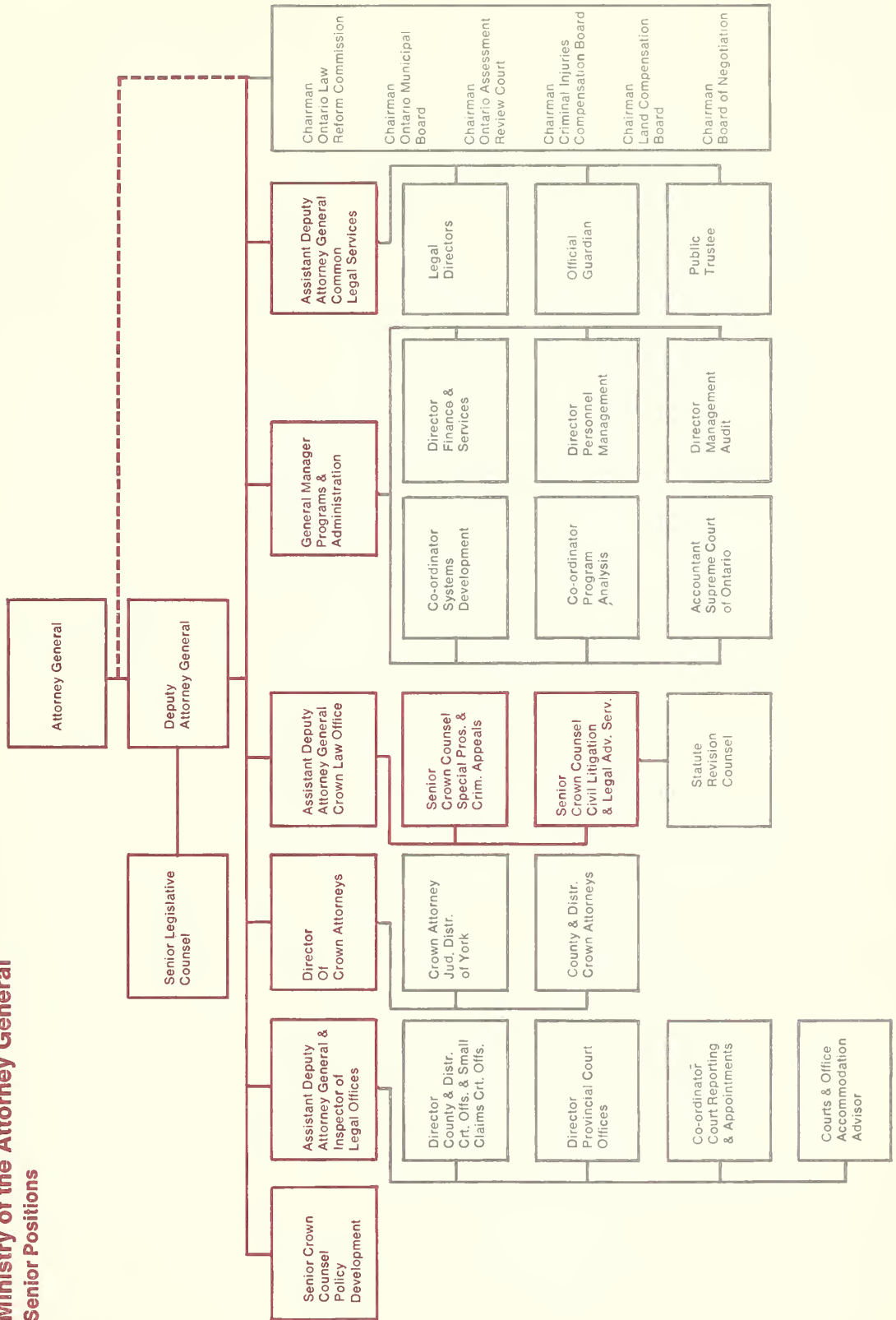
I find, by my last letters from Upper Canada, that such was the distress for a place to assemble the Court of Kings Bench, that it was apprehended, the Chief Justice would be obliged to hold the sittings in a Tavern.

Increasing Volume

There is no doubt that the volume of civil and criminal litigation is increasing greatly in the province and that greater and more varied use must be made of court facilities. Furthermore, it is quite clear that this trend will continue. The provision of adequate court facilities is falling behind. In a time of budgetary restraint, this is understandable, but the problem is becoming serious. When facilities become overtaxed, there may well be a decline in the quality of justice.

The Ministry of the Attorney General, together with the Ministry of Government Services, is continuing to plan for the provision of adequate facilities to meet the legitimate needs of the courts of this province. This plan involves innovative measures to ensure the maximum utilization of existing facilities while at the same time charting future needs by way of construction and renovation.

Ministry of the Attorney General Senior Positions



The Ministry of the Attorney General

Policy Development Division

Archie G. Campbell, Senior Crown Counsel

Established

The Policy Development Division of the Ministry was created in late 1972 in response to the proposal by the Committee on Government Productivity that there be a "separation of policy-making and programme delivery within ministries".

From its inception in 1972 until March of 1975 the Division was under the direction of an Assistant Deputy Minister and included the Systems Development Branch, the Management Information Systems staff, and the Central West Developmental Project staff. At present the Division, which consists of Senior Crown Counsel, three lawyers and three articling students, reports to and is under the direct supervision of the Deputy Attorney General.

Present Duties

Briefly stated, the present duties of this Division include:

- (i) research into and analysis of all aspects of the administration of justice in Ontario;
- (ii) continual review of the approximately 130 statutes administered by the Ministry (see Appendix), initiating proposals for reform and analyzing suggestions for reform from the general public, other ministries and members of the Legislature.
- (iii) developing the legislative programme of the Ministry commencing with discussion of suggested legislation with senior staff within the Ministry, proceeding to the preparation of Ministry policy submissions outlining the problem and setting out and evaluating the range of government options for discussion and decision-making by the Justice Committee of Cabinet and by Cabinet, and concluding with the creation, in

conjunction with Legislative Counsel, of draft Bills reflecting Cabinet decisions;

- (iv) advising the Attorney General and Deputy Attorney General during the legislative progress of a Bill, which generally involves attendance at the Legislative Assembly with the Attorney General to be available to advise him about the Bill and assist him in answering detailed technical questions which may arise during debate.

The Division is also responsible for the Ministry library which provides service to the Crown Law Office and approximately fifty field offices.

Relationship With Other Organizational Units

To discharge its responsibilities the Division must have close relationships with a number of organizational units both within the Ministry and independent of it.

Relationship to Crown Law Office

There is a constant liaison with and co-operation between the Division and the Crown Law Office. Although the type of research conducted by the Division for the policy analysis of socio-legal issues and the development of legislation is often different from the legal research carried out by the Crown Law Office for presentation in court or for providing legal opinions to other ministries, there are numerous occasions where duplication of effort is avoided through the close relationship. Some projects requiring existing expertise are jointly conducted.

Relationship to Ontario Law Reform Commission

The Ontario Law Reform Commission is independent of the Ministry. Commission projects usually require major background legal research beyond both the resources of the Division and the decision-oriented purpose

for which the Division was created. Commission Reports frequently advocate adoption of a specific policy without detailed discussion of all possible alternatives for government action. Submissions to Cabinet from the Ministry based on Commission reports require the exploration of the full range of viable government options with their relative advantages and disadvantages in light of current government policies and priorities. Co-operation between the Ontario Law Reform Commission and the Policy Development Division in making Commission research material available obviates needless duplication of effort.

There is constant demand for interaction with other ministries and Policy Fields, the federal Ministry of Justice, and with semi-public associational groups. This involvement enables the Division to keep abreast of activities and proposals which may have ramifications with respect to the administration of justice in the province.

Examples of Activity

Legislative

Legislation which has involved the preparation of policy submissions by the Division includes:

- (i) The Juries Act, 1974;
- (ii) The Public Institutions Inspection Act, 1974;
- (iii) The Elections Amendment Act, 1974;
- (iv) The Municipal Elections Amendment Act, 1974;
- (v) The Executions Amendment Act, 1974;
- (vi) The Lord's Day (Ontario) Amendment Act, 1974;
- (vii) The Judicature Amendment Act, 1974;
- (viii) The Family Law Reform Act, 1974 (Bill 117)

Summary Convictions Act Review

A complete review of Ontario summary conviction law and practice has been undertaken in order to develop a new code of

provincial summary conviction procedure. The objectives of this procedure are to simplify the entire legal process for the public, and to increase its convenience to the public. Under study are the introduction of new procedures to reduce the amount of time spent in court by witnesses and accused, reduce court workload generally, and relieve against the present procedures which involve imprisonment of an accused who is financially unable to pay a fine.

Family Law Review

The Family Law Reform Act (Bill 117) is the first step of an ongoing project of family law review. Involved is an examination of the reports of the Ontario Law Reform Commission and reports and statutes from a great number of common law jurisdictions with a view to substantial revision of family law in Ontario (see Special Projects for Family Property Law Project).

Review of Report by Task Force on Legal Aid

The Division has been given responsibility for developing Ministry response to the recommendations of the Osler Report on Legal Aid in light of existing government resources.

Crown Law Office

Clay M. Powell, Q.C., Assistant Deputy Attorney General

Responsibilities

In Ontario, it is through the Crown Law Office that the Attorney General fulfils his constitutional responsibilities as counsel to the Queen. Comparable in size to a large law firm (thirty-three lawyers are now on staff), the responsibilities of the Crown Law Office range from the prosecution of complex fraud cases to the pleading of involved constitutional law issues.

The Ministry of the Attorney General

Briefly stated, the duties of this office include:

- (i) directing the conduct of special prosecutions, criminal appeals and civil litigation on behalf of the Crown in Right of Ontario;
- (ii) providing all Ontario government ministries and agencies with a full range of general and specialized legal services;
- (iii) providing counsel for Her Majesty in Right of Ontario in important civil and criminal cases;
- (iv) advising and guiding law enforcement agencies in matters involving investigations and prosecutions; and
- (v) furnishing legal opinions to ministries and agencies of the government in constitutional, civil and criminal matters.

To provide the wide array of services, the Crown Law Office is divided into the Criminal Appeals and Special Prosecutions Branch and the Civil Litigation and Legal Advisory Services Branch, each of which is headed by a Senior Crown Counsel.

Criminal Appeals and Special Prosecutions

Roderick M. McLeod, Senior Crown Counsel

Composition

This Branch is comprised of sixteen lawyers — all specialists in the field of criminal law — to represent and advise the Crown in criminal litigation.

Main Function

One of the main functions of this Branch is to appear on behalf of the Crown on appeals and motions in both indictable and summary conviction matters in the Supreme Court of Ontario and the Supreme Court of Canada. Appeals in indictable matters in the Court of Appeal require the largest amount of time and manpower, although appearances on original pre-trial show cause hearings in murder cases,

pre-trial bail review hearings, release pending appeal hearings and contested motions and summary conviction appeals in Weekly Court and Chambers require daily attendances in the Supreme Court of Ontario.

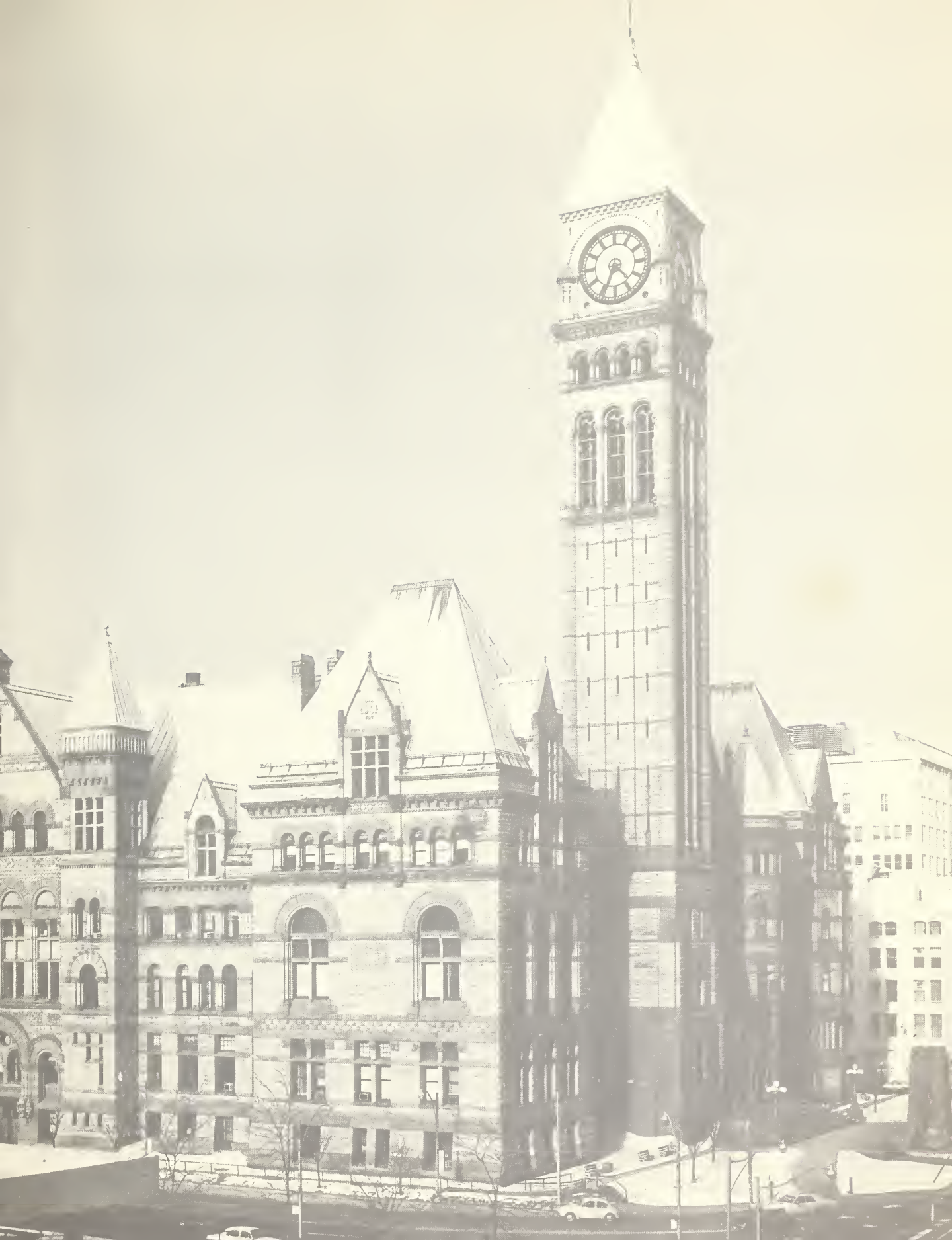
Increasing Volume of Appeals

Traditionally, the Ontario Court of Appeal has heard criminal matters two weeks of each month. The volume of cases has now increased to the point where the Court has been sitting for three weeks, and on occasion, four weeks per month. The Court hears an average of twenty to twenty-five cases per week. Through May and June, the sittings of the Court were extended to the point where criminal matters were being heard virtually every week. An increase in volume of cases argued also occurred in September and October notwithstanding the fact that in the summer of 1974, the Court sat for two weeks in July in addition to its usual sitting during the first week of August. The volume of appeals by accused persons represented by solicitors, by accused persons in person and in writing and by the Crown increased during the year ending March 31st, 1975, but this ever-increasing workload has been adequately handled by the members of this Branch without sacrificing the high standard of quality of representation that is expected of them. The volume of outstanding appeals as of March 31st, 1975, therefore, remains approximately the same as it has been in recent years.

Other Court Appearances

Court appearances by lawyers in this Branch in matters pursuant to the *Bail Reform Act* have increased considerably. Two lawyers are now usually required daily to handle pre-trial release, review and release pending appeal matters.

Weekly Court and Chambers matters include mandamus, prohibition, certiorari and habeas corpus applications, stated case appeals and *Juvenile Delinquents Act* appeals. These matters require one lawyer at least three days



The Ministry of the Attorney General

a week. The volume often fluctuates to the point where two or three lawyers may appear in Weekly Court or Chambers on two or three occasions in a week.

Applications for leave to appeal and appeals in the Supreme Court of Canada require a minimum of one lawyer every two weeks on the days when applications for leave to appeal to that Court are heard. When those applications are granted, more lengthy subsequent appearances are, of course, required for the hearing of the appeal.

Wiretap Applications

Since July 1st, 1974, members of the staff of this Branch have, as designated agents of the Attorney General, reviewed police requests for wiretap authorization applications and, in the appropriate cases, have made such applications to Supreme Court judges. These applications, although not large in number thus far, are very time-consuming and often urgent. Originally, five lawyers from within this Branch were designated as agents of the Attorney General for this purpose. That number has since been increased to ten. The Attorney General has, by separate report to the Legislative Assembly, reviewed pursuant to the *Criminal Code* the operation of the amendments to the *Criminal Code* in this area for the six months ending December 31st, 1974.

Special Prosecutions

An increasing portion of the workload in this Branch is in the area of special prosecutions, largely in relation to complicated commercial transactions involving allegations of fraud and conspiracy. Expanded specialization in the commercial fraud area by the Metropolitan Toronto Police, the Ontario Provincial Police and the R.C.M.P. has created a very significant increase in the demand for equally specialized prosecutorial assistance. Such assistance is essential not just at the trial or preliminary hearing stage, but in many cases from the very

outset of the investigation as well. Several members of the Branch, having developed particular expertise in this area, devote an increasing part of their time and effort to these very demanding prosecutions.

Advice and Assistance

In addition to this appellate and trial work, the Branch is available at all times to provide advice and assistance to other government departments, local Crown Attorneys and others involved in the administration of justice in Ontario. This assistance may involve the preparation of formal opinions, service on inter-departmental committees or simply the provision of immediate access to an informal expert opinion where it is possible. Enquiries and complaints regarding the administration of justice are also reviewed by this Branch.

Civil Litigation and Legal Advisory Services Branch

Morris M. Manning, Senior Crown Counsel

Composition

The function of this branch — the provision of an independent legal service for all ministries of the government of Ontario — is discharged by the Senior Crown Counsel and a staff of seventeen lawyers and para-legal personnel including the Director of Accident Claims and a number of law clerks and law students. In the past year, every ministry of the government sought the advice and assistance of this Branch in relation to litigation, legal opinions or legislative considerations.

Servicing Other Ministries

As a result of a concerted effort to make other ministries aware of the varied and experienced background of the legal officers, the amount

and nature of the work has been increased and varied. There has also been a recognition by both the bar and the bench of a change in the nature of the legal services performed by this Ministry by reason of the court room experience of those appearing for the Ministry as well as the nature of the work. As a result, morale is high and the Branch's reputation as a competitive legal office has been enhanced.

Increased Volume and Variety

Litigation dealt with by the Branch has increased from previous years in both volume and variety. Its work involved appearances on behalf of the government in civil litigation in Small Claims Court, in the County and Supreme Court trial divisions, and in appeals and applications before the Divisional Court, Court of Appeal for Ontario and Supreme Court of Canada. The subject matter of these ranged from simple motor vehicle accident damage actions to complex questions of constitutional law involving the legislative competence of the provincial legislature. As a result of the addition of more experienced counsel, less legal work than ever before has been referred to outside counsel; the additional experience thus gained by the legal officers is expected to result in a further decrease in the number of cases referred outside.

Constitutional Cases

The number of constitutional law cases undertaken by this Branch has substantially increased within the last year both with respect to those cases where the Ontario government was a party to the proceedings and to those cases in which Ontario intervened where other provincial governments were parties. Some examples of Ontario intervention in the Supreme Court of Canada were: *In Re Natural Parents* which involved the applicability of certain provisions of the provincial *Adoption Act* to Indians; *Morgan v. Province of Prince Edward Island* which dealt with the right of a

province to limit the amount of land that can be held by a non-resident; *John A. MacDonald, Railquip Enterprises Ltd. v. Vapor Canada Limited and Attorney General for Canada, et al.*; *Shellcase Foundries Inc. v. Cercast Inc.* which involved the validity of section 7 of the *Trade Marks Act*; and *Vadeboncoeur v. Landry* which raised the question of the extent to which the provisions of the federal *Divorce Act* overrode the existing provincial law in relation to maintenance and alimony. Judgment was reserved in all of these. In addition, intervention has been filed in the following cases which have not, as of this writing, been heard: *Tomko v. Attorney General of Nova Scotia* which involves the validity of the powers of the Labour Relations Board to issue cease and desist orders; *McNeil v. Nova Scotia Board of Censors* which involves the right of any person to have standing to raise the constitutional validity of any provincial statute; and *Dupond v. City of Montreal* which involves the right of a municipality to pass by-laws regulating activities on municipal property. In addition, there are two cases involving *The Fraudulent Conveyances Act* and the right to control cable television in a province. As well as constitutional cases arising in the Supreme Court of Canada, this branch has also handled constitutional law cases which have arisen at all levels of the courts.

Judicial Review

Under *The Judicial Review Procedure Act*, which came into force in April, 1972, the Ministry has the right to intervene in all matters of judicial review including judicial review of all administrative tribunals and appeals from their decisions. Further, when asked to act on behalf of a ministry responsible for a tribunal or when it is necessary to act on behalf of the Attorney General (in those cases where provincial statutes are being attacked and the attack on the statute will affect more than one particular case), the Branch appears and argues the matters in the Divisional Court.

The Ministry of the Attorney General

Some examples of the cases involving judicial review are as follows: *Raney, Tari* which concerned a review of the propriety of the procedures followed by the qualifications committee of the Ministry of Transportation and Communications and the question of whether a hearing was required for every contractor; *Bamborough v. Ministry of Housing* which involved the adequacy of appraisal reports prepared for the North Pickering Project and which also involved the potential loss to the government of interest payments totalling over one million dollars; *Proc v. Ministry of Community and Social Services* which concerned the welfare payments where persons were living together as spouses; *Taylor v. General Manager of Ontario Health Insurance Plan* which concerned the amount of fees to be paid to doctors out of the province for services rendered to Ontario residents; *Fitzimmons*, which concerned an appeal from the decision of the Minister of Consumer and Commercial Relations for an order directing him to amend articles of incorporation; *Putnoki v. Public Services Grievance Board* which concerned an interpretation of the powers of Deputy Ministers to act in dismissing employees; *Orangeville Highlands Limited* which concerned the Ministry of Housing and a provincial zoning order to prohibit the use of lands for the purpose of a shopping centre.

In addition to judicial review matters where members of the Branch appeared in the Divisional Court and, where necessary, in the Court of Appeal and the Supreme Court of Canada, this Branch has also had occasion in the past year to appear on judicial review cases in the Federal Court of Appeal.

Claims For and Against the Crown

A very large number of claims for and against the Crown are dealt with continually by the office of the Senior Crown Counsel. These include a great number of motor vehicle accident claims relating to injuries or damage occasioned by vehicles of the Crown, including

the Ontario Provincial Police, the Ministry of Transportation and Communications and all other ministries of government. Crown employees are being continually injured through the actions of others; on their behalf, claims are made against the wrongdoers. Suit has been brought on behalf of the Crown for the recovery of substantial assessments. In addition to appearance at trial in the aforementioned matters, whenever those cases are appealed to the County Court, Court of Appeal or Supreme Court of Canada, members of the Branch appear as counsel for the ministries involved.

Advisory Services Providing Legal Opinions

As the Branch title indicates, legal advisory services are an integral part of the Branch. The Branch is called upon to provide opinions to all ministries of government covering a very wide variety of subject matter. This ranges from constitutional law opinions, whose purpose is to question legislation in existence or proposed legislation, to the interpretation of provincial statutes in order to answer a specific enquiry made by the ministry which administers that statute. These opinions may also be prepared with a view to establishing a position for a ministry in anticipation of litigation or as a result of litigation. Although several lawyers in this Branch concentrate on the preparation of opinions, all lawyers participate in this area of work. Certain kinds of solicitor work are also performed by the Branch from time to time, including advice and assistance to various government ministries in relation to purchases of land, drafting of leases, examining problems of title to lands and negotiating contracts for the acquisition of buildings.

Legislative Advice

Although drafting is primarily the responsibility of the Office of the Legislative Counsel, and the Ministry legislative programme is primarily

the responsibility of the Policy Development Division, this Branch is frequently involved in the preparation of legislation in instances where a change in legislation may be necessitated by reason of a judgment of a court. This requires a constant liaison with the ministries affected by those decisions in order to ensure that the legislative changes conform to judicial pronouncements as well as to the needs of the particular ministry. Each member of the legal staff is assigned a certain number of statutes administered by this Ministry. He or she is expected to recommend necessary changes and to work with the Policy Development Division and with the Legislative Counsel's Office in seeing that those changes are carried out.

Inspector of Legal Offices

Blenus Wright, Assistant Deputy Attorney General

Responsibilities

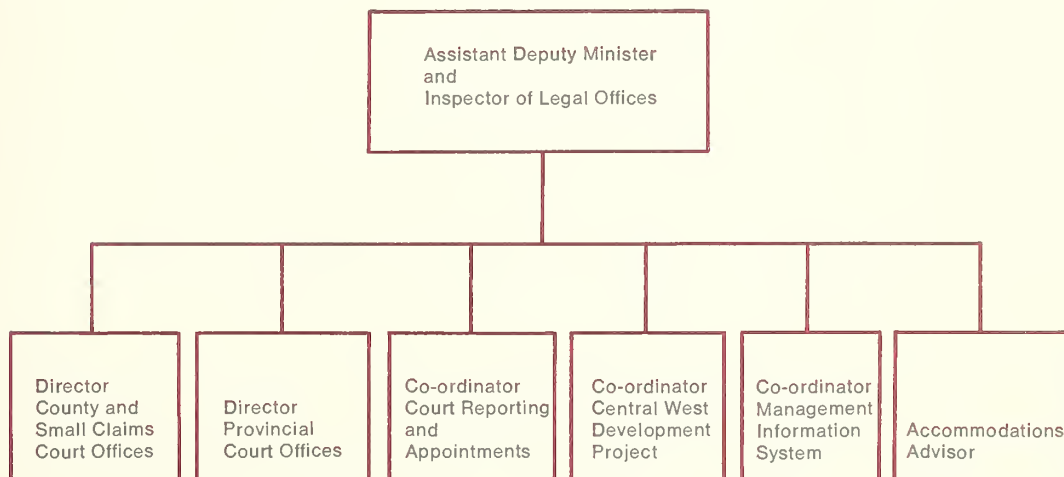
The Assistant Deputy Attorney General and Inspector of Legal Offices is responsible for:

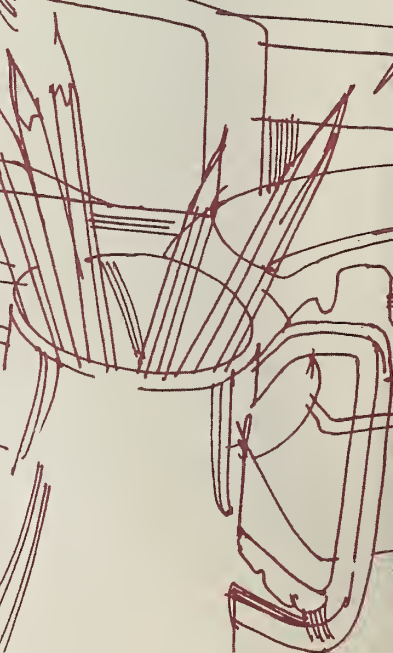
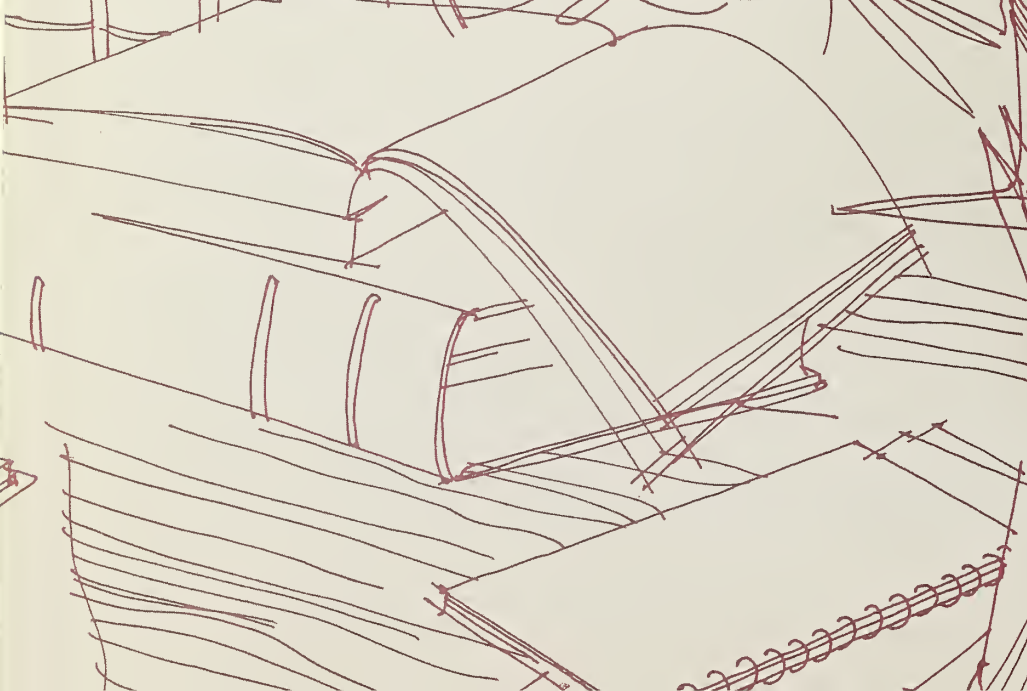
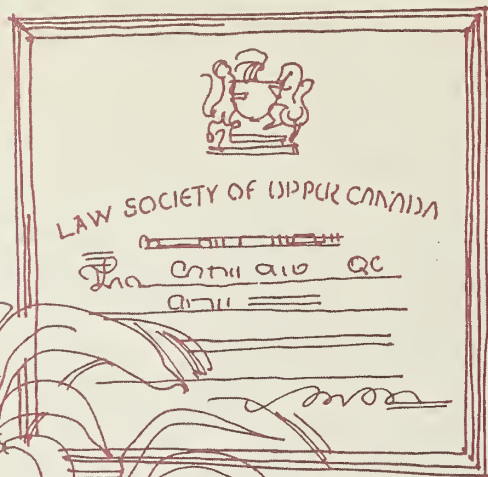
1. regulating the appointments of commissioners for taking affidavits, notaries public and justices of the peace;

2. provision of court reporting for all courts and supervision of court reporters and special examiners;
3. ensuring the provision of adequate administrative services to all courts and Observation and Detention Homes, including direction to sheriffs and court registrars, Criminal and Family Court administrators, Small Claims Court clerks and bailiffs;
4. liaison with the Ministry of Government Services and the responsibility for court accommodation;
5. development of a management information system;
6. maintaining liaison between the Ministry of the Attorney General and the judiciary, and the processing of judicial appointments to the Provincial Courts;
7. providing direction to and supervision of the Central West Development Project;
8. overseeing the Ministry's interest in the Native Courtworker Programme.

New Organizational Structure

The increased responsibility of the Inspector of Legal Offices in the past few years has necessitated a new organizational structure for this office, as shown in the chart below.





The Ministry of the Attorney General

Director, County and District Court Offices and Small Claims Court Offices

Small Claims Court Offices

The Director, who reports to the Assistant Deputy Attorney General and Inspector of Legal Offices, is responsible for the administration of Small Claims Court offices throughout the province. The staff of these offices exceeds 1000 persons. This involves maintaining the efficient operation of these courts and providing effective service for large volumes of claims, most of which are presented by parties without legal representation. The Director is responsible for the planning and preparation of reports on long term recommendations on the status of the courts, reviewing the needs of sectors served by the courts, exploring implications of conditions of employment of court staff, and ensuring competent replacement staff when vacancies occur. The Director is also charged with investigating complaints regarding the administration of justice in relation to the Small Claims Courts, providing administrative direction as required, advising court officials on procedures, interpreting amendments and up-dating the manual of administration.

New Initiatives Regarding Small Claims Courts

At present, an evaluation of the structure of the Small Claims Courts is underway. A report is being completed which will deal with all phases of the Small Claims Courts and will recommend amendments to *The Small Claims Courts Act*. The first objective will involve reducing the number of courts from the present 133 to 105 by the end of 1976. Plans are also proceeding for the standardization of practice in the Small Claims Courts with particular emphasis on forms, rules and procedures. It is expected that regional seminars will be held to assist the Ministry and the Small Claims

Court clerks and bailiffs to manage these highly specialized offices.

County and District Court Offices

In addition to these duties in the Small Claims Courts, the Director provides administrative direction for County and District Court offices, comprising some 650 officials located in court houses throughout the province. Working with these officials, he develops and implements Ministry policies relating to these courts within the framework of the administration of justice.

Regional Coordinators

An innovative approach is being taken to the office of sheriff and court registrar by the appointment of coordinators for each of the province's six regions. They are responsible individually for:

1. coordinating and supervising the various sheriffs' and local registrars' offices in their region;
2. visiting these offices to review practices and procedures and assist with personnel problems;
3. aiding in the selection and training of new officials and staff;
4. standardizing practices and procedures; and
5. providing consultation and advice to other sheriffs and local registrars.

Collectively, the coordinators are to:

1. meet regularly with the Inspector of Legal Offices to discuss matters relating to sheriffs and local registrars;
2. develop training programmes for officials and staff;
3. develop standard practices and procedures and prepare manuals;
4. publish a quarterly newsletter for the officials; and
5. discuss classifications, salaries and complement.

The overall objectives of this project are two-fold: first, to determine the possibilities for standardization of practices and procedures in

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the offices of sheriffs and court registrars; and second, to develop general procedures for specific functions leading to the production of a manual for officials.

Director, Provincial Court Offices

Functions

Parallel to the Director of County and Small Claims Court Offices, the Director of the Provincial Court Offices provides administrative direction for the operation of all Criminal and Family Court offices in the 95 centres throughout the province, the regular staff of which is in excess of 1,300 persons. Working closely with the Chief Judges of the Family and Criminal Divisions of the Provincial Courts, this office investigates complaints, sets up administrative procedures to initiate and maintain uniform programmes and assumes responsibility for the provision of adequate observation and detention home facilities throughout the province. In addition, the Director maintains cooperative relationships with Ministry branches in areas of mutual concern, including justices of the peace, court reporting, personnel and accounting and audit, and with agencies involved with the Court, including Probation Services and Children's Aid Societies.

Report of the Operations of the Provincial Court (Criminal Division) for the 1974-75 Fiscal Year

Increased Activity

The Provincial Court (Criminal Division) operated during the past fiscal year with a substantially increased level of activity, attributable in some areas to an increased case load and, in others, to the nature of the proceedings. Throughout the year, the Chief Judge continued a review of the schedules of the sittings of the Court and assignment of the cases.

Revised Practices

The increase in population and level of law enforcement in many areas, with the consequent increase in the number of charges, resulted in a substantial re-adjustment in the schedule of the courts and the manner in which the cases were assigned. Working with the Senior Judge in each of the judicial districts to achieve a more efficient processing of charges before the court and to facilitate the setting of trial dates, the Chief Judge has implemented the rationalization of court calendars. Many court sittings which would ordinarily deal with a general list of cases, including criminal, liquor, narcotics, *Highway Traffic Act*, and municipal by-law infractions, have now been subdivided with certain days being devoted to first appearances, pleas of guilty and short trials, while others are dedicated to the trial of general *Criminal Code* offences, narcotics offences and *Criminal Code* driving offences. This, along with other scheduling procedures, has resulted in a better use of judicial time and physical facilities. Additionally, in many instances, the period of time from the date of the offence to the final disposition of the matter has been shortened.

The disposition rate for *Criminal Code* and narcotics offences in relation to the number of judicial personnel has been reviewed. Areas of available judicial time have been identified. This has assisted in the movement of judicial personnel to establish additional sittings in various areas for the trial and/or preliminary hearings of cases which could not readily be accommodated within the ordinary sittings of the court.

Use of Sitting Justices of the Peace

To deal with the increasing caseload, sitting justices of the peace have been involved in the trial of minor liquor and traffic offences and the adjournment and remand of certain criminal matters. These sittings of the justices of the peace, authorized by the provisions of *The Justices of the Peace Act*, are scheduled in addition to those of the Provincial Court judges.

Problem Areas Strain on Resources

The substantially increased caseload and the shortage of judges and competent justices of the peace in some areas has, notwithstanding improvements in scheduling procedures and the use of sitting justices of the peace, resulted in difficulty in providing adequate sittings of the courts when judges are absent for reasons of illness, reasonable vacation, or on special assignments for the trial or preliminary hearing of lengthy cases.

There have been a substantial number of prosecutions arising from public disturbances, the lengthy trials of which have placed a strain on available physical administrative and judicial facilities.

Increasing Complexity of Cases

There were an increasing number of prosecutions under miscellaneous provincial and federal statutes, with some of the matters, such as prosecutions with respect to construction safety, the environment, and combines investigation, occupying many days of court time and requiring many hours of judicial time for the consideration of submissions, research, and the writing of judgments. In addition, there have been a considerable number of special criminal prosecutions by counsel from the Ministry of the Attorney General which have necessitated special assignments of judges, and lengthy trials and preliminary hearings.

Lengthy Trials

There has also been an increase in the number of narcotics offences thereby occasioning an increasing number of lengthy trials and preliminary hearings which have resulted in a substantial use of additional judicial time and the use of additional physical facilities and supporting staff.

There have been many requests for assistance outside Metropolitan Toronto where the judges in the area could not hear cases within

the ordinary schedule of their courts. This necessitated arrangements for relief and special assignments of judges from Metropolitan Toronto in the 1974-75 fiscal year of 189 judge days.

Bail Hearings

Since the implementation of the new provisions of the *Criminal Code* with respect to bail, justices of the peace have been assigned to conduct bail hearings in many areas in order to prevent the Provincial Court judge being disqualified from hearing the trial of the matter by reason of the evidence which might be placed before him on the bail hearing.

In a number of areas, we have endeavoured to develop systems of communication which would facilitate agreed trial dates, thereby eliminating the appearance of counsel on the remand date.

Caseload Control System Postponed

It is the desire of the Chief Judge to develop a caseload control system, coupled with a system for agreed trial dates, in Metropolitan Toronto, but present budget restraints have postponed the development of this concept.

Serving Remote Communities

There has been an increasing demand for the court to attend in remote communities in north-western and northeastern Ontario. This demand has been met in most instances by the scheduling of special sittings of the court as the need arose. In one or two areas, there were problems in attending because of weather conditions and the availability of facilities in which to hold court. Visits have been made to many remote communities in north-western and northeastern Ontario either by the Chief Judge or by another Provincial Court judge, usually accompanied by a Crown Attorney, duty counsel, a representative of the Ontario Provincial Police, and in some cases, an Indian court worker.

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It has been noted that in various communities where a landing strip has been installed, there appears to be an increasing number of criminal charges coming before the courts. In order to meet this need, particular court dates are being set in Fort Albany and Attawapiskat and more frequent trips are being scheduled to various communities in North-western Ontario. In the Thunder Bay area, a sitting justice of the peace has been attending in such locations as Geraldton, Nipigon, and Manitouwadge and some other communities for the trial of provincial statutory offences in order to provide an earlier disposition of these charges and to make more time available for criminal trials.

Other Initiatives

In Metropolitan Toronto, the sittings of the court and the caseloads are under continual review with changes being made when necessary. Traffic and by-law offences, which are now programmed into the CYCLOPS computer, are being studied with a view to achieving speedier dispositions. In the areas where physical facilities are available, additional court sittings have been established in an effort to bring the disposition date closer to the date of the offence. At the present time, the Chief Judge, in consultation with the court administrator, is studying the possible implementation of revised schedules for traffic court sittings in the Old City Hall with the view to endeavouring to establish a programme of four sittings per day. This, as has been learned from the Ministry's experience at the North York Traffic Tribunal (outlined elsewhere in this Report), provides better service to the public and increases the utilization of physical facilities.

Effect of the Ontario Legal Aid Plan

It is clear that utilization of the Ontario Legal Aid Plan by accused persons is increasing. While the Plan greatly aids persons charged with criminal offences, it increases the potential for delay in the administration of justice.

Accused persons do not always make prompt applications for assistance, even though the courts generally allow a three week adjournment for this purpose. Information which the Plan requires before issuing a certificate is not always speedily provided, thus necessitating a further adjournment to permit completion of the application. As well, where persons are jointly charged, it is not uncommon for one or more of them to fail to retain counsel, necessitating further delays before a date for trial can be set.

In some areas, including Metropolitan Toronto, part of the operation of the Plan has been relocated in the Provincial Court building. This improves the Plan's early contact with accused persons, thereby facilitating an early decision by the Legal Aid Office as to whether or not an accused will be granted a certificate under the Plan.

Court Visitations and Area Meetings

In 1974, the Chief Judge attended in a majority of the areas of the province to meet with the provincial judges and their staffs. In addition, he held meetings of the nine Senior Judges, discussed with them the problems in their particular areas, and also distributed to them papers on various legal topics to be used for their Area Senior Judges' meetings. The Area Senior Judges hold these regional meetings to discuss legal matters with the judges in the area and to consider improved scheduling procedures.

At these area meetings, the judges have discussed the substantial effect on court scheduling procedures of members of the Bar not being available for attendance in the Provincial Court (Criminal Division) because of their attendance at sittings of the County or Supreme Courts. The Chief Judge has discussed with the Senior Judges and a number of individual judges the desirability of meeting with the County and District Court judges in their areas in an effort to establish some system of cooperation between the courts to avoid trial dates being set involving the same counsel in



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two different courts for the same period. Co-operation in this area has been increasing.

Judicial Education

University Education Programme

In cooperation with the Provincial Judges Association (Criminal Division), a Provincial Judges University Education Programme has been in effect for two years. This programme allows Provincial Court judges once every three years to live for one week in a university setting, during which time various papers are presented by law professors, judges, Senior Crown Counsel, and defence counsel. Following the presentation of the papers, they are discussed with particular reference to their relationship to the judge's problems in his day-to-day deliberations.

Videotape on Privacy Legislation

In 1974, in addition to the presentation of papers, a committee of the Provincial Judges Association (Criminal Division) and the office of the Chief Judge prepared a videotape of approximately two hours duration dealing with certain fact situations relevant to the new legislation with respect to the protection of privacy. This videotape was supported by research material which was distributed to the judges in Ontario. It has been requested by Provincial Court judges of various other provinces of Canada.

By the end of the 1975 programme, all Provincial Court judges (Criminal Division) will have had the opportunity of attending the University Education Programme. There has been an enthusiastic response to this programme; cooperation from all the persons who have been asked to present papers has been excellent. The papers are printed and are available to all the judges, whether or not they attended the course.

Regional Sentencing Seminars

The Provincial Judges Association (Criminal

Division) itself carries on a very active education programme which is financially supported by the Ministry. This programme consists of regional sentencing seminars and central education seminars, with papers being prepared by various judges and other speakers for discussion and subsequent distribution to the judges.

New Programme in Conjunction with Court of Appeal

In an effort to assist the judges in the sentencing process, the Provincial Judges Association and the office of the Chief Judge, with the cooperation and assistance of the Chief Justice of Ontario and the members of the Court of Appeal, have established a programme whereby the Provincial Court judges in the Criminal Division have the opportunity of coming to Toronto for three days to observe the argument of criminal appeals. As well, they thereafter participate in a discussion period with the members of the Court concerning various sentencing problems. This substantial programme, which has been funded by the Ministry, has been extremely successful. It represents an entirely new approach toward assisting trial judges in dealing with the day to day problems of sentencing in the Criminal Division. As a sequel to this programme at the Court of Appeal, there will be a programme presented at the University Education Programme dealing with "The Offender as a Person" in the sentencing process.

Educational Programme for Justices of the Peace

In addition to continuing education for the Provincial Court judges, the justices of the peace are also involved in a similar programme which has completed its second year of operation. A committee composed of the Chief Judge of the Provincial Court (Criminal Division), several Provincial Court judges and a number of Crown Attorneys has prepared a three day programme for all justices of the peace. These

programmes involve lectures, video tapes and general discussions to ensure a continuing high level of judicial performance.

Legislation with Respect to Justices of the Peace

New Control and Direction

The Justices of the Peace Amendment Act came into force on January 1, 1974. This legislation provides that a justice of the peace may not carry out any act except as directed by the Chief Judge of the Provincial Court (Criminal Division) or the Chief Judge of the Provincial Court (Family Division) or by a judge designated by either of them.

Review Council

In view of the increasing use of justices of the peace throughout the province as sitting justices of the peace, in addition to their usual duties of issuing process, their status as judicial officers has been recognized by legislation establishing a Justices of the Peace Review Council.

At the present time, approximately 600 justices of the peace have been authorized to carry out their duties in accordance with certain directions, the directions having been issued in accordance with the abilities of the justices of the peace and the necessity for their service in a particular area.

Statistical Data

Caseload Increase

The total caseload on the basis of the calendar year has been surveyed, and it would appear that there was an increase in the total caseload in 1974 over 1973 of approximately 24%.

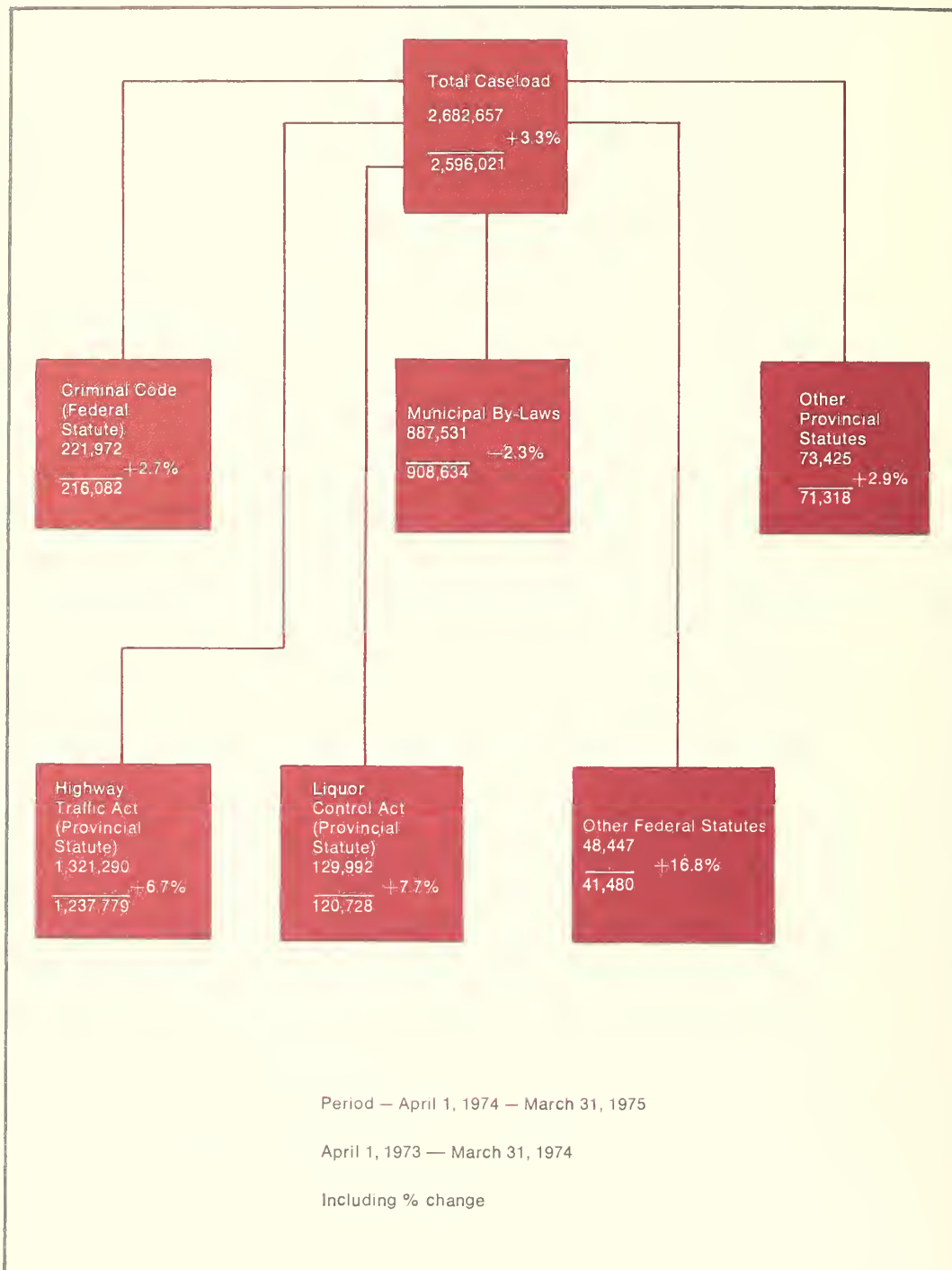
Narcotics Charges

A calendar year survey outside Metropolitan Toronto indicates an increase in *Criminal Code*

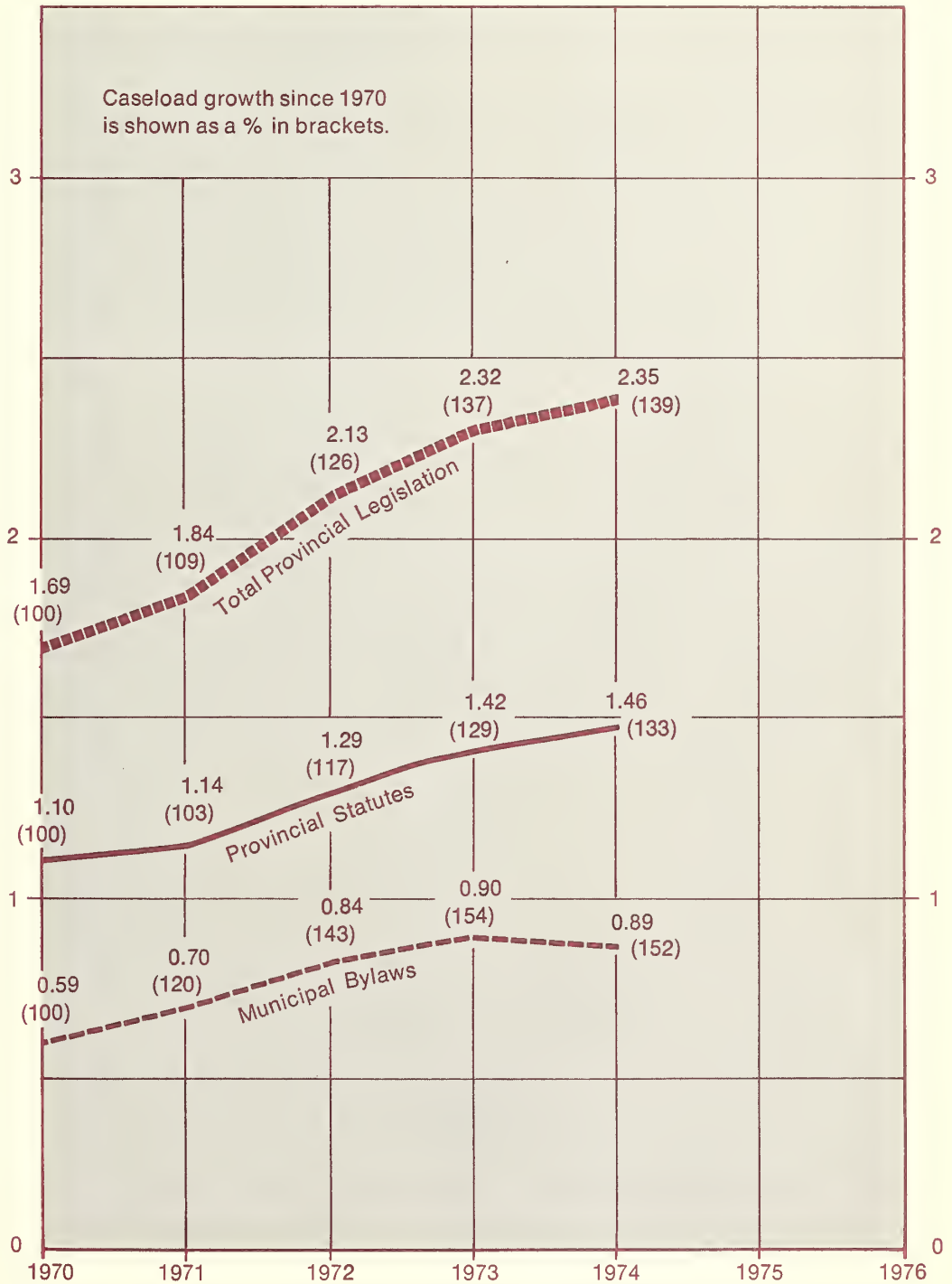
charges in 1974 over 1973 of 1.1%, but this does not represent the strain placed on the resources in various rapidly developing communities. In respect of narcotics charges outside Metropolitan Toronto, there was a very substantial increase in 1973 over 1972, and there was a 27.6% increase in these charges in the calendar year 1974 over 1973.

In Metropolitan Toronto in respect of *Criminal Code* and *Narcotic Control Act* cases taken as a total figure, there was a very slight decrease in the number of new charges received at the Old City Hall, but there was a 20.26% increase in the number of new charges received in the suburban courts. Although there was a slight decrease in the number of *Criminal Code* and *Narcotic Control Act* charges received at the Old City Hall, the nature of the offences before the court required an increase in the number of judge days assigned to special trials of approximately 16% in the fiscal year 1974-75 over 1973-74.

Caseload Analysis **Provincial Court (Criminal Division)**

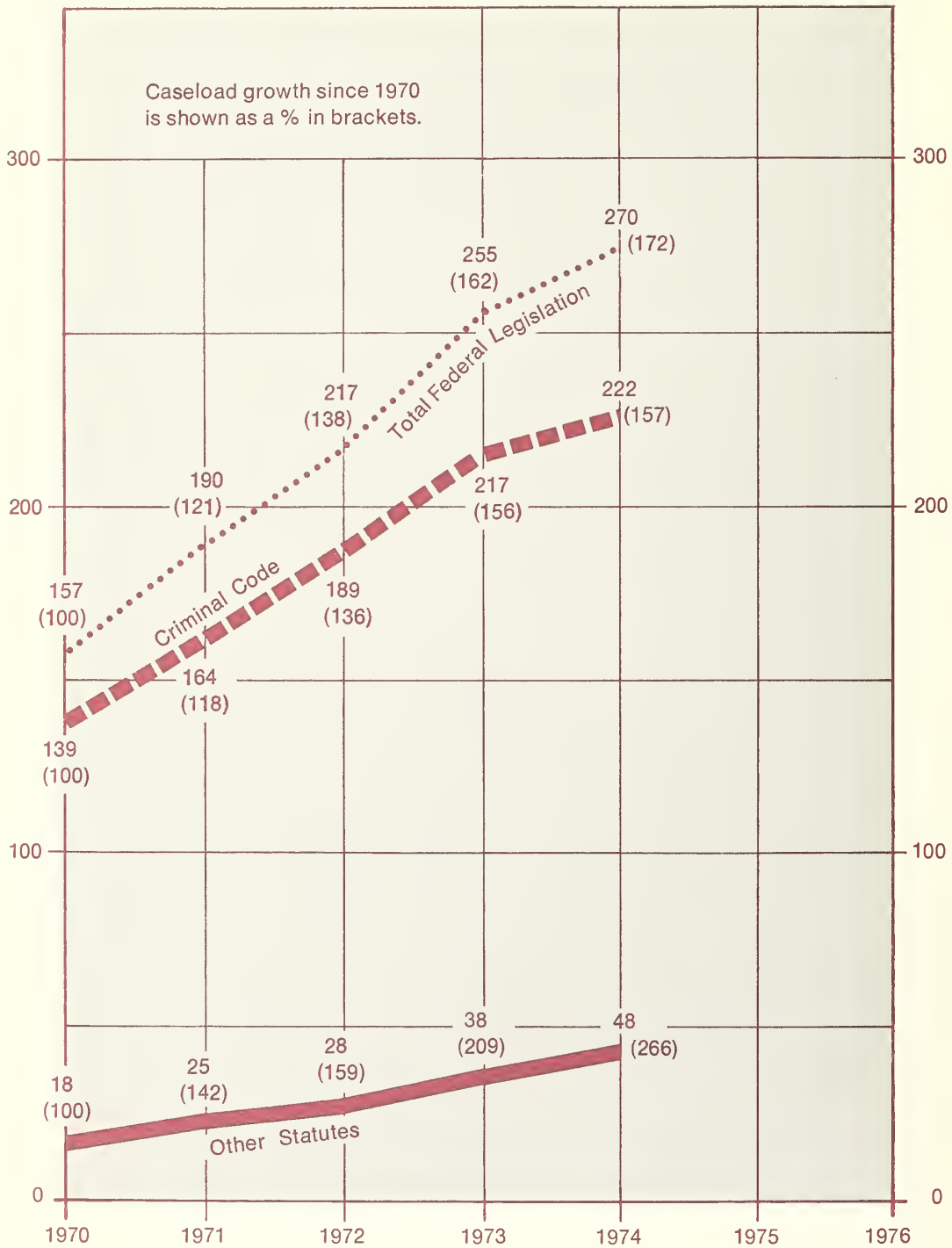


Violations Under Provincial Legislation Cases Disposed (Millions)



Offences Under Federal Legislation

Cases Disposed (Thousands)



Report of the Operations of the Provincial Court (Family Division) for the 1974-75 Fiscal Year

Number of Judges

As of March 31, 1975, there were 53 Family Court Offices in operation throughout the Province. Forty of these were full-time Family Division Offices, while 13 operated in combination with a Criminal Division. The Family Division is served by 38 full-time judges, and 14 judges who also serve the Criminal Division, aided by six judges who have reached retirement age, but have been given part-time extensions because of the need for additional judges.

Function

The Family Courts process and administer cases arising out of *The Deserted Wives' and Children's Maintenance Act*, the *Criminal Code of Canada*, the *Juvenile Delinquents Act*, and *The Child Welfare Act*. The Court also enforces orders of the Supreme Court of Ontario. In addition, the Family Courts are being called upon to provide a high degree of in-court social service delivery to their clients beyond the basic adjudicative functions. For example, in the Judicial District of York, eight social workers are available to interview all new domestic cases. As a result, fewer than one-third of such cases end up with charges being processed, the majority being resolved either during the intake interview or through referral to specialized agencies.

Set-back of Automatic Enforcement Programme

The Family Court automatic enforcement programme suffered during the year because of restrictions on staff complement. The purpose of automatic enforcement is twofold: to assist in maintaining a regular flow of

moneys to the payee, and to prevent the accumulation of arrears to such an extent that their payment becomes an impossible burden for the payor. Although the financial returns to families, the Treasurer of Ontario and municipal welfare authorities have more than reimbursed the cost of the programme, it has yet to be fully or effectively implemented throughout the province. Three inter-related reasons may be cited for this: (i) the increase in moneys received by the court requires more staff time in processing payments; (ii) some judges have been unable to allocate sufficient court time to deal promptly with the additional show cause workload; and (iii) the business of some courts has increased leading to the natural tendency to direct some, or all, of the enforcement staff to the regular, necessary operation of the court.

Judicial Education

Throughout the year, professional development of judges and court officials continued to receive emphasis. Training programmes for the judiciary were conducted in Toronto from October 27 to November 1, and from November 24 to November 29, 1974. The philosophy of these training programmes, as expressed in the original concept, encompassed the following four components:

THE LAW: By means of lectures, discussions and video tapes, judges are given the opportunity to review recent developments in statute and case law, both substantive and procedural.

BEHAVIOURAL SCIENCE: Through lectures, discussions and role playing, judges learn the operation concepts of the science, how to identify problems and how to use and interpret specialists and experts.

TREATMENT MODES: Judges are made aware of the facilities available for treatment of offenders and by correlating these ideas with behavioural science concepts, develop an understanding of the offender.

Caseload, Provincial Courts (Criminal Division) For the Fiscal Period Ended March 31, 1975

Caseload Analysis

COUNTY OR DISTRICT	TOTAL CASELOAD	C.C.C.	H.T.A	L.C.A.	MUNICIPAL BY-LAWS	FEDERAL	OTHER	% INCREASE 1974 - 1975
ALGOMA — Sault Ste. Marie Bruce Mines & Elliot Lake	20,163	3,242	8,204	1,229	5,728	603	1,157	4.40
BRANT	4,378	1,311	2,030	565	81	91	300	(.66)
BRUCE	18,451	2,626	10,657	1,450	3,019	317	382	7.34
COCHRANE — Cochrane	8,927	1,599	5,250	1,371	345	94	268	10.20
Timmins	6,782	1,557	2,652	1,317	583	209	464	(2.71)
DUFFERIN	13,137	1,601	5,772	890	3,531	258	1,085	19.69
DURHAM	4,993	801	2,712	716	511	32	221	9.74
ELGIN	42,935	4,631	27,287	3,758	5,864	816	579	7.51
ESSEX	16,902	1,721	9,793	1,711	3,350	64	263	6.61
FRONTENAC	85,591	8,620	37,262	2,146	31,577	4,818	1,168	18.42
GREY	30,347	2,450	14,273	1,936	10,688	794	206	25.98
HALDIMAND	13,003	1,604	7,169	2,254	1,345	166	465	20.71
HALTON	5,957	877	4,037	739	56	95	153	19.00
HAMILTON-WENTWORTH	33,407	4,122	20,385	2,206	4,982	849	863	1.50
HASTINGS	133,468	11,097	59,604	5,396	52,935	2,709	1,727	5.79
HURON	19,258	3,091	9,157	2,417	3,323	906	364	28.06
KENORA — Kenora Dryden	8,777	970	5,463	1,836	173	132	203	22.69
KENT	6,026	1,152	882	3,272	296	167	257	22.08
LAMBTON	8,379	1,324	2,003	4,249	41	176	586	8.30
LANARK	22,754	2,929	13,748	2,315	2,801	324	637	8.12
LEEDS & GRENVILLE	25,943	3,317	15,563	3,509	2,109	604	841	12.36
LENNOX & ADDINGTON	8,021	1,603	3,404	1,757	767	145	345	15.98
MANITOULIN	12,965	1,862	8,272	1,483	970	166	212	24.53
MIDDLESEX	7,447	829	4,892	1,097	298	93	238	4.58
MUSKOKA	1,314	188	397	622	1	21	85	48.31
NIAGARA NORTH	71,410	5,756	45,426	4,971	10,221	3,899	1,137	6.13
NIAGARA SOUTH	9,615	1,465	5,216	1,468	615	230	621	22.41

The Ministry of the Attorney General

SELF-RENEWAL: This is a general aim which will be encouraged by all the other components.

These were broadened in 1974 by the inclusion of the following areas:

MANAGEMENT: Through various exercises and lectures, judges appreciate the potential and actual control they can exercise over caseflow, administration and auxiliary services.

ENCOUNTER EXPERIENTIAL: Judges are asked to immerse themselves into the day to day activities of the support services which they have occasion to use.

Approximately 24 judges participated in each session of the 1974 program.

Court Administrator Training

Court administrators attended training programs in Toronto from April 3 to 6, May 14 to 17 and June 4 to 7, 1974.

National and International Conferences

The Chief Judge of the Family Division attended the Ninth International Conference of Youth Magistrates in England in July, 1974. Two judges attended the Canadian Conference on Social Welfare in Calgary in June, 1974; one judge attended the National Conference on Juvenile Justice in New Orleans in March, 1975.

Decentralization of Court

Among the many programmes in operation in the Family Division is the decentralization of the Family Court in Metropolitan Toronto from its single location at 311 Jarvis Street to facilities in Scarborough, North York and Etobicoke. New facilities have been provided in Scarborough while plans are proceeding for new facilities in Etobicoke and North York. The plans for complete decentralization will continue with a view to making the Family Court more accessible to the needs of the community.

Observation and Detention Homes

The Ministry provides administrative services to twelve Observation and Detention Homes at various locations throughout the province. Seven of the facilities are owned and operated by the Ministry. At the present time, a new Observation and Detention Home is under construction in London.

Homes on Contractual Basis

The remaining five Homes are operated by individuals or organizations on a contract basis, with the Ministry providing the operating funds. Because of present financial restraints and the increase in costs of capital construction, the Ministry plans to increase the number of Homes operated on a contract basis rather than assume the costs of having to construct its own facilities. There are numerous areas in the province where Observation and Detention Homes are needed; it is hoped that funds will be available in the next fiscal year to provide facilities on a contract basis for these areas.

Coordinator, Court Reporting and Appointments

Function

The Coordinator develops and implements approved policies for court reporting services in all levels of the courts in the province, as well as in certain boards, commissions, tribunals and related areas. He maintains a continuing review of the court reporting function, reviewing and consolidating all legislation and regulations governing court reporters and recommending amendments or changes in policy to ensure equitable and uniform practice through the province. Working with the regional court reporters, he coordinates the provision of court reporting services and maintains and ensures acceptable standards of court reporting throughout the province.

Methods of Reporting

There are approximately 350 court reporters on full-time staff and 125 hired on a freelance basis. The use of shorthand reporters and Stenomask reporters in the courts continues to supply the backbone of reporting services, although the electronic recording of proceedings is under constant review by the Ministry. With the advent of justice of the peace courts, the demand on the court reporters' time has greatly increased, leading to the installation of electronic recorders operated by monitors. Recently, mechanical recording equipment was installed in two Supreme Court rooms; experimentation and evaluation of the system is proceeding.

The Coordinator also provides direction and support to the offices of the special examiners in Toronto, Hamilton, Ottawa and Windsor.

Maintaining Records on all Justices of the Peace

As well, the Director assumes responsibility, delegated by the Inspector of Legal Offices, for all justices of the peace in the province. This involves receiving and evaluating requests for appointments, maintaining and up-dating records of over 600 justices of the peace and monitoring and developing training programmes. Additionally, he investigates inquiries and complaints concerning justices of the peace. He is also responsible to the Inspector of Legal Offices for the development and administration of Ministry policies concerning the appointment of commissioners of oaths and notaries public.

Coordination, Central West Development Project

The pioneering activities of this project are detailed in a separate section of this report.

Coordinator, Management Information System

Criminal Information System

In 1974/75, a criminal information system was developed and implemented in two counties. The system developed is a caseflow system, which follows the activity of a case from the time it is received in a court office until it is finally completed. The pilot system has been analyzed thoroughly with a number of modifications being made to the initial system. These have greatly simplified data collection requirements and staffing requirements in the court offices. The modified criminal information system makes use of computer terminals on which the input is keyed, then transmitted daily to the head office in Toronto over the telephone line. During 1975/76, the criminal information system will be implemented in all counties in the Central West Region. The modified system provides for regular reports to be produced within 1 to 2 weeks after the end of each period. In addition, special reports can be provided immediately on request.

Provincial and Municipal Information System

An information system for provincial statutes and municipal by-laws has been designed. This system collects information on those infractions and offences which are less severe than those covered by the Criminal Information System. This system, a case detail system, has been designed to complement the Criminal Information System and thereby to provide an overall picture of the activity in the Provincial Court (Criminal Division). The information system will be implemented in one county in the Central West Region on November 1, 1975. After the pilot study has been undertaken, the existent system will be audited thoroughly prior to future expansion. Data for the Provincial and Municipal Information System will be keyed at the Hamilton Keying Centre, currently being used by the Criminal Information System.

The Ministry of the Attorney General

Juvenile Information System

A modified juvenile information and statistical form was implemented by Statistics Canada in early 1975. The altered form was designed by Statistics Canada in cooperation with the Ministry and the Office of the Chief Judge of the Provincial Court (Family Division). It collects more comprehensive information about juveniles charged under the *Juvenile Delinquents Act*.

New reports have been designed which summarize the contents of the altered form and provide a useful profile of the types of cases that have been disposed of in the Provincial Court (Family Division).

Statistical Data Centre

The statistical area of the Management Information System is responsible for production of quarterly and annual reports for management. Trend information has been incorporated into these reports through the use of graphs which provide a visual representation of court activity for the Supreme, County, Surrogate and Provincial Courts. Another attempt to provide more meaningful information has been through the introduction of the first annual report which provides multiple year data. This annual report provides comparative statistics from the years 1972/73, 1974/75, and 1975/76. During the remainder of 1975/76, it is intended to add more trend information to the quarterly reports and to attempt to provide more analysis of the information collected.

Accommodation Advisor

During the past year the Ministry has worked closely with the Ministry of Government Services, Programme Management, Planning and Research, Realty Services and Property Management Branches to extend and improve court accommodation throughout the province.

Projects Completed

The Court House and Registry Office in London was completed; the Provincial Court (Criminal and Family Divisions) in Thunder Bay occupied new premises in a lease-back building specifically designed for this purpose; the Provincial Court (Criminal Division) in Orillia was relocated; the parking facilities at the Brampton County Court House were extended and completed.

Projects Under Construction

Under construction are the Barrie Court Building, anticipated completion date 1977; the Juvenile Observation Home in London, anticipated completion date 1975; the alterations at 145 Queen Street West, Toronto, to provide two additional High Court courtrooms, anticipated completion date September 1975; Family Court alterations in Milton; and the Old City Hall Provincial Court (Criminal Division) continuous improvement programme.

Projects in Contract Stage

In the contract stage are the Provincial Court House, Kitchener; the completion of the unfinished courtroom in the Norfolk County Court House; the second phase of the Old City Hall improvements in Toronto; relocation of the Provincial Court facilities in Brockville; and the relocation of the Provincial Court (Family Division) in Kingston.

Projects in Planning Stage

In the planning stage are consolidated court buildings in Scarborough, North York, Newmarket, Lindsay, North Bay, St. Catharines, Brockville, Etobicoke, Toronto, Guelph, Windsor, Hamilton, Sudbury and Ottawa; and a lease-back building is planned in Windsor for the Provincial Court (Family Division).

Ministerial Accommodation Committee

During the year, the Inspector of Legal Offices established a Ministerial Accommodation Committee. The members are: the Chief Judges of the County Court and Provincial Courts (Criminal and Family Divisions), the Director of Crown Attorneys, the Ministry's Accommodation Advisor and the Inspector of Legal Offices. The purpose of this committee is to review and approve the requirements for each new court structure or alteration prior to the requirements being submitted to the Ministry of Government Services for the preparation of sketch plans. The committee then reviews the sketch plans and suggests changes.

Guidelines for Court House Construction

The committee is presently preparing guidelines for court house construction for use by architects designing court accommodations. The guidelines will contain descriptions of various offices required in court houses as to space required, facilities needed for each area and the relationship of various offices within a court structure.

Programmes and Administration

Brian W. McLaughlin, C.A., General Manager

Function

This section of the Ministry is responsible for directing and coordinating the Ministry's general support services including personnel, financial management, auditing and administrative procedures. In 1974, emphasis was placed on increasing the use of computers and making more efficient use of available resources in compliance with the Ontario government's overall austerity drive.

Systems Development Branch

During the 1974-75 fiscal year, this branch continued work on projects ranging from a review of the computer scheduling of court hearings and caseloads to the creation of a flow chart outlining the complex law of criminal procedure.

CYCLOPS II System

The review of the CYCLOPS II system, which has computerized the scheduling of court hearings and caseloads, confirmed that financial savings at the rate of \$180,000 per annum were being achieved. As well, the system has reduced the required number of night court sessions from a pre-introduction average of 23 per night to between 12 and 15 per night. One important feature added to the system involves a "back-filling" technique which allocates parking tag offences and re-issued summonses to the earliest possible court dates which have become "open" through the prepayment of fines or re-adjustment of schedules. This helps to minimize the time between the date of the offence and the court appearance. The CYCLOPS II system, unique in North America, remains one of the most complex and comprehensive operating systems within the government of Ontario.

A sub-system

A sub-system of CYCLOPS II has been successfully utilized in connection with the North York Traffic Terminal, described elsewhere in this Annual Report. The increased flexibility of appearance dates offered to motorists by the Tribunal requires a computer system to re-schedule quickly to avoid wasting court time. As well, the North York project relies upon the CYCLOPS system to provide the hearing officer and the accused with an instantaneous review of the accused's driving record on computer screens in the courtroom. The Systems Branch was jointly responsible for developing this program with the Ministry of Transportation and Communications.

The Ministry of the Attorney General

Study of Delay in Criminal Courts

During the summer of 1974, a study was made to determine the causes of delay in cases before the criminal courts. The resultant report has suggested changes which would significantly improve the use of available resources. Action is being taken on the recommendations.

Studies to Improve Efficiency

In November, 1974, a contract was let for the delivery of consulting services for a feasibility study in the Office of the Public Trustee with the main purpose of identifying problem areas in the present systems and procedures of that office and to recommend areas for improvement. The report covering the findings of the feasibility study is expected to be available in the first week of April, 1975. It is anticipated that the report will recommend an in-depth systems investigation in order to introduce the economics available from data processing methods and thus reduce the high labour-intensive operations which are now in existence.

In October, 1974, a contract was let for a project team to assist the Ministry in the development of new financial systems which would not only supply the Ministry with a comprehensive and accurate accounting system, but would also include desirable management accounting features such as budgetary control, cost distribution analysis and commitment accounting. One of the main objectives in the design of the new financial systems is the desire for future financial analyses of the various functions which comprise the Ministry of the Attorney General.

It is intended that the new financial system will be programmed and implemented by April 1, 1976, for the beginning of the new fiscal year.

Flow Charts

A flow chart describing the process in criminal proceedings was completed and has been distributed to judges and Crown Attorneys. The

flow chart of the process in family matters is in final draft form and will be available in April. A start has been made on the civil process.

Planning and Evaluation Branch

Objective

The objective of the Planning and Evaluation Branch is to assist management in the most effective allocation and utilization of the Ministry's resources. Advice is offered to programme managers to help their search for new and more effective ways of delivering the service for which they are responsible. A key element of this advice is the development and use of timely and relevant information for sound decision-making, both planning and control.

Evaluating Service Level

Achieving this Branch's goal involves evaluating the service level both in quality and quantity and the future financial and service level implications of both on-going operations and proposed new issues. These operational and financial plans, which may be either short-term (1 year) or long-term (2-5 years), attempt to provide a clear link between the accomplishments and the utilization of resources in each programme.

Multi-Year Plan

One of the most visible responsibilities and accomplishments of this branch is the Ministry's Multi-Year Plan (MYP). Prepared annually, this five-year forecast of programme size (i.e., in dollars of expenditure and staff complement) attempts to relate resource needs over the next few years to the expected changes in the quality and level of service provided. Both new and on-going operations are considered. Funding level decisions resulting from the MYP review serve as a basis for and a guide to the preparation and assessments of the Ministry's annual estimates submission.



The Ministry of the Attorney General

Management by Results Projects

The 1974 Multi-Year Plan and estimates submission process was complemented by several Management By Results (MBR) projects. The MBR concept calls for identification of the key issues in an operation and their quantifiable components. A relationship between resources utilized and results achieved, as expressed by the quantified elements, is then developed and applied to measure the current performance level. Finally, this current performance level is used as a basis for a commitment to a future result expectation at some given funding level.

An initial move was made in 1974 to apply and test the MBR concept in two selected programmes, the Legal Aid Plan and the Crown Attorneys system. A plan is now being prepared to adopt the Management Board's goal of implementing the MBR approach throughout the government system by 1978.

Management Audit Branch

Three Programmes

The three main programmes of this Branch are regular audits of the Ministry's administrative units, responsibility for the Defaulted Fines/Licence Suspension System and special audits of those Small Claims Courts which are closed and amalgamated with other courts.

Defaulted Fines/Licence Suspension System

During the fiscal year just ending, the Defaulted Fines/Licence Suspension System experienced an accelerated increase in activity, commencing in July, 1974. At that time, the rate of suspensions rose sharply, and has continued at a high level. Suspensions are averaging 6,000-7,000 per month, while the rate of reinstatements has risen from 38% at July, 1973, to a current rate of 46%. As at February 28, 1975, the accumulated value of reinstatement payments was \$909,805.00.

Since 70% of all suspension orders originate with the Metro Toronto court, and 90% of inquiries result from Metro suspensions, the volume of telephone and personal inquiries has risen sharply during the year. To handle this expanded activity, it has been necessary to reorganize the Defaulted Fines Control Centre. Telephone facilities have been expanded, additional contract staff recruited and the physical arrangement reorganized. As a result, the Centre is now functioning well, within the present space limitations.

Suspensions Computerized

Since September 19, 1974, all suspensions have been programmed into the computer of the Central Police Information Centre (C.P.I.C.). This, plus increased public awareness of the System, may account for the improvement in the rate of reinstatement, although this rate has shown a tendency to level off during the past three months.

Indications are that during the coming fiscal year the activity of the System will continue at, or exceed, the present high level.

Personnel Management Branch

Function

This Branch is responsible for the recruitment, classification, training and paying of Ministry employees. As well, it has duties in relation to staff development, including the expansion of bilingual services in judicial offices, staff counselling and the administration of personnel records and employee benefits.

Training Court Administrators

During the spring of 1974, an ambitious series of training programmes was held for court administrators of the Provincial Court Offices. For the administrators of the Criminal Division Offices, this was their first exposure to formal

The Ministry of the Attorney General

training. This forum allowed 108 Family and Criminal Court administrators the opportunity of meeting not only their contemporaries in the field, but also representatives from the various branches at head office and special guests. Work sessions highlighted the many facets of the court administrator's role.

On-the-job Training

As well, inter-office training visits for court administrators were held in 1974. This programme was intended as on-the-job training designed to meet the particular needs of the individuals.

Workshops

A series of eleven 2 and 3-day workshops for justices of the peace were held during the late fall and winter of 1974-75. Approximately 600 justices of the peace attended the workshops, which were intended to update the legal knowledge required to perform their functions.

Continuing Judicial Education

The judges of the Provincial Court were involved in educational programmes covering topics of current concern. The programmes were intended to increase judicial awareness and sensitivity to the court and court office process. A variety of seminars, workshops, conferences, etc. were repeated in 1974 at all levels, including Supreme Court judges' conferences, County and District Court conferences and seminars, Provincial Court judges' conferences and continuing education programmes, Crown Attorneys' summer school, Public Prosecutors' orientation, and refresher courses. There continues to be an awareness of the need of continuing education programmes at all levels.

Employee Counsellor Programme

Once again, there was an increase in demand for the highly successful employee counsellor

programme. In 1974, the counsellor visited twelve offices outside Toronto to discuss both work and personal problems with employees.

The Branch also advised management with regard to organization, effective utilization of staff, job design, job analysis and job evaluation.

Supreme Court Accountant

Function

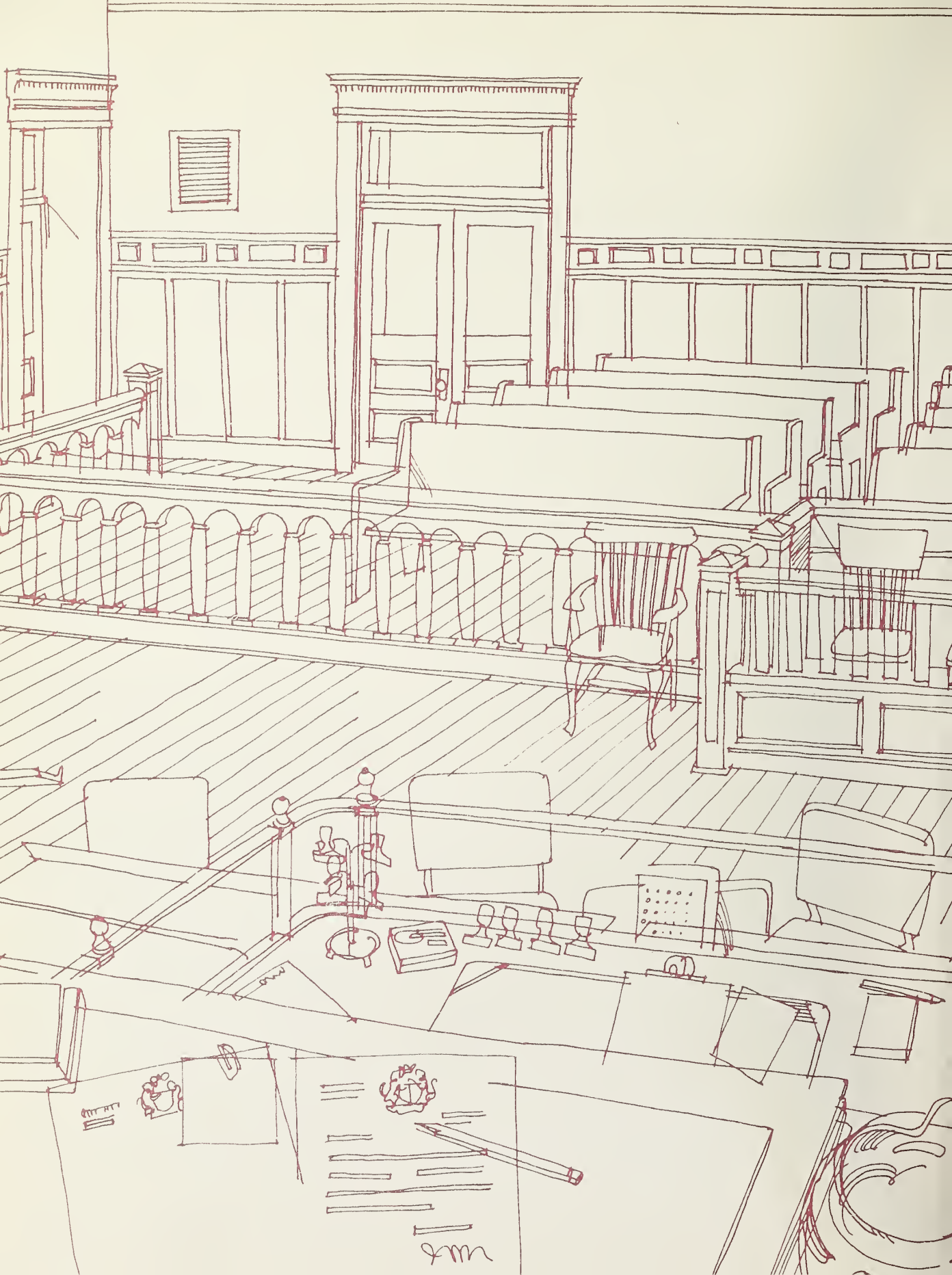
The Accountant of the Supreme Court administers trust funds belonging to minors and other persons within the jurisdiction of the Official Guardian. Funds paid into courts during litigious proceedings are also administered by this office.

Assets

Assets under management at the end of fiscal 1974 totalled \$102 million. The interest rate of 8% guaranteed on "permanent" funds belonging to infants was raised to 9% during the year. A rate of 6% continues to be paid on "temporary" funds being held until court cases are settled.

Investments

The investment portfolio was more actively traded in the past year. The total value of the 700 transactions in 1974 was \$155 million, more than four times the 1973 level. This activity enabled the Accountant to take advantage of rising interest rates which were passed on to infants' funds.



Office of the Legislative Counsel

W. C. Alcombrack, Q.C., Senior Legislative Counsel

Function

The duties and responsibilities of the office include:

- advising and assisting ministers and agencies of the government and Members of the Assembly on all matters of a legislative nature;
- drafting rules and regulations;
- printing the annual volume of statutes;
- filing and publishing the regulations.

Updating Regulations on Film

The office has now completed its project, embarked upon some three years ago, of updating regulations on film. Presently, updating is done regularly within two weeks of the latest filings of regulations. This updated copy is provided for the use of the Queen's Printer.

Updating Statutes on Film

A similar project involving the updating of the statutes on a selective basis is underway. This project is scheduled to ensure that they will be up to date for the purposes of the next revision of the statutes. Following the next session, it is expected that the statutes will be kept up to date on a regular basis. This will have the advantage of spreading the work and cost of future revisions over a number of years. It will further enable this office to provide up to date printed copies continuously for the purpose of publishing office consolidations.

The Ministry of the Attorney General

**Table of Number of Bills Drafted,
Introduced and Passed Since 1972**

	1972	1973	1974	1975
No. of Government Bills Drafted	241	230	225	150
No. of Government Bills Introduced	179	185	145	94
No. of Government Bills Passed	173	177	137	89
No. of Private Bills Introduced	34	40	31	32
No. of Private Bills Passed	31	38	31	31
No. of Private Members Bills Drafted	95	94	72	45
No. of Private Members Bills Introduced	85	93	58	53
No. of Private Members Bills Passed	Nil	Nil	Nil	Nil
Total Number of Pages in Statute Book	132 <u>1,734</u> 1,866	1,750	1,700 (approx)	900 (approx)

1972 Session - Commenced Feb. 29th, 1972 Prorogued Dec. 15th, 1972
 1973 Session - Commenced Mar. 20th, 1973 Prorogued Mar. 5th, 1974
 1974 Session - Commenced Mar. 5th, 1974 Prorogued Feb. 14th, 1975
 1975 Session - Commenced Mar. 11th, 1975 Dissolved August 11th, 1975

**Table of Number of Regulations Drafted
and Filed Since 1972**

	1972	1973	1974	1975 estimated
No. of Regulations Drafted	732	984	1152	1150
No. of Regulations Filed	600	828	1001	1100
Published Pages in Gazette	1340	1941	1767	1975

Common Legal Services

John D. Hilton, Q.C., Assistant Deputy Attorney General

All Government Lawyers Employed By Ministry

Common Legal Services was established in 1973 to provide legal services for all Ontario government ministries and to develop a unified approach to such things as pay and grading for legal services provided to independent boards and commissions. Lawyers in the eighteen legal branches of the various ministries are employed by Common Legal Services on behalf of the Attorney General. This procedure encourages independence of legal opinion within the various government departments and facilitates consultation on points of law. Common Legal Services is also responsible for the retention of outside counsel where the services of such are required by the government.

Professional Development

Professional development of its lawyers is a continuing objective of Common Legal Services. Education programs offered by the Canadian Bar Association, the Law Society of Upper Canada and the Advocates Society are regularly used for updating and enlarging the legal knowledge of member lawyers. In the past year, salary and experience classifications have been reorganized to reward initiative, effort and ability. Movement of lawyers between legal branches is on the rise as is promotion of employees within Common Legal Services, thereby creating more career opportunities for government lawyers.

Association of Civil Lawyers

As a result of an educational conference held in September, the Association of Civil Lawyers working within the government has been formed to consider and deal with the common

problems faced by the civil lawyers in the government. It is hoped that this will result in an increased sense of common identity, thus increasing the pride, productivity and quality of the government's lawyers.

Liaison with Boards

In addition to the foregoing, this office has a liaison responsibility between the Ministry and the Municipal Board, the Land Compensation Board, the Board of Negotiation and the Criminal Injuries Compensation Board.

Chief Inquiry Officer

A substantial amount of time in this office is also used in the discharge of the responsibilities of the chief inquiry officer, pursuant to *The Expropriations Act*, involving the retainer of and the liaison with inquiry officers throughout the province and a large area of communication with the public in relation to *The Expropriations Act* generally.

The offices of the Official Guardian and the Public Trustee also report to the Assistant Deputy Attorney General, Common Legal Services. Including these two operations, Common Legal Services has nearly four hundred employees in professional, secretarial and clerical positions.

Special Projects – 1974-75

Family Property Law Project

Social Values and the Law

Problem of Translating Social Values into Law

The translation of modern social values into our legal system is frequently hampered by the lack of consensus on just what the new social value is. The basic problem confronting law-makers results from the fact that a society rarely simultaneously embraces a new value system. While it has become increasingly clear that laws which govern families must change to reflect the transition taking place in family life, the interpretation of these shifting social patterns remains a very difficult issue for those attempting to implement parallel changes in the law.

O.L.R.C. Study of Family Property Law

In response to this need for reform, the Ontario Law Reform Commission undertook a study of the present system of family property law which exists in the province, as well as some alternatives for change. This study, along with the Commission's proposals, were presented in a Report to the Attorney General and tabled by him in March 1974.

Obtaining Views of the Public

Because family law is so fundamental to all of us, the government felt it was absolutely essential to ascertain the views of the public before making any decision on the future of the specific recommendations proposed by the Commission.

Public participation in government is a much touted ideal; however, the realization of this kind of cooperation is very difficult to achieve in a mass society. Early in April 1974, the Policy Development Division of the Ministry of the Attorney General began to work on the problem of involving the public in the consideration of the Commission's proposals. This undertaking became known as *The Family Property Law Project*.

Informing the Public

Making Commission's Recommendations Known

Since the Report of the Law Reform Commission consists of almost 500 pages of text it became clear that the essential problem would be the development of a programme which would offer the public access to the recommendations, and also an appropriate means of expressing response to them. It was decided that any consultative approach must include an educative mechanism as well. Public understanding of the present law must be increased before any meaningful consideration of the recommendations could take place.

Process of Consultation

It was decided to hold a number of widely advertised public meetings throughout the province to provide background on the issues and to discuss with the public the Commission's recommendations. After making the decision to hold this series of public meetings, the Ministry began a process of consultation with interested groups, and communications experts, to discuss the best means of presenting the present laws and the recommendations to the public with as little bias as possible. The Ministry, through consultation and cooperation with the Ontario Committee on the Status of Women, produced a brief summary of the present law and the recommendations. Over 35,000 copies of this summary have been distributed.

Informational Film

The Ministry produced a film entitled "Family Property Law", which was intended to be shown at the public meetings prior to the discussions. Prints of the film were made available to the media and the public at large. Ministry staff began an active campaign to inform the public that the film was available to groups free

of charge and to date over 500,000 people have seen the film or parts of it. The film has been shown before a wide variety of audiences including the Ontario Law Reform Commission, the federal Law Reform Commission and the Ontario Council on the Status of Women.

Through the summer months one print of the film was made available to a group of women touring the province in a van equipped with multi-media resources. They visited many communities throughout southern Ontario and some 400 persons had an opportunity to see the film.

Public Meetings

Twelve public meetings were held throughout the province. In preparation for each meeting an advertising and publicity campaign was conducted in each area. A massive telephone campaign was carried out. Flyers and invitations were sent to all major service clubs, churches, political parties, unions and other groups which represent large and diversified memberships. Community information centres were utilized and many individual citizens were privately contacted as well.

Using the Public Media

In many areas the Minister appeared on local television programmes prior to the meetings. Ministry staff did many open-line talk shows.

Informing Civil Servants

In addition to the public meetings sponsored by the Ministry of the Attorney General, the Ministry cooperated with the Office of the Executive Coordinator of Women's Programmes in the Ministry of Labour to show the film to 1,000 civil servants on four occasions. Ministry officials participated in the discussions which followed the showing of the film.

Public Response

Response to this programme has been considerable and largely favourable. Many people

have written to commend the government for its innovative approach to public involvement. Many briefs have been submitted and the Ministry receives over 35 letters a week commenting on these issues. On-going efforts have been initiated to assess this response.

Family Law Reform Bill

Bill 117

The family law review undertaken by the Policy Development Division of the Ministry is committed to a major reappraisal of the whole corpus of family law and changes in property law must ultimately be placed in this context. However, it was apparent that certain anomalies which exist in property law should be corrected before awaiting the completion of this larger task. Thus, on June 25th, 1974 the Attorney General introduced Bill 117, *An Act to Reform Certain Laws Founded Upon Marital or Family Relationships*. The Bill has been designed to repair inequities which women have experienced in the past which result entirely from their marital status. It corrects the familiar Murdoch situation, and also allows spouses to sue one another in tort. The Bill is intended to be remedial legislation only and does not pretend to effect a new property system for the province.

The Central West Courts Administration Project

History of the Project

O.L.R.C. Study on Administration of Courts

In September, 1970, the then Minister of Justice and Attorney General asked the Ontario Law Reform Commission to undertake a study and review of the administration of the Ontario courts and where necessary to recommend

Special Projects — 1974-75

reforms for the more convenient, economic and efficient disposal of their civil and criminal case loads.

In November, 1973, the first two volumes of the Report were tabled in the Legislature, followed by the third volume early in March 1974.

Regional Committees Established

Late in 1973, the Attorney General, the Deputy Attorney General and senior Ministry officials visited six regional centres: London, Kingston, Hamilton, Thunder Bay, Sudbury and Oshawa, to meet with the judiciary, court administration officials from all levels of court and Crown Attorneys to discuss the Law Reform Commission Reports. At that time, regional committees were established composed of representatives of the courts administration officials and Crown Attorneys in each of the proposed regions. These committees were asked to report to the Ministry, not only on the recommendations of the Law Reform Commission as they applied to the regions, but on fifteen specific questions including physical accommodation, staff requirements, the regional boundaries proposed, and the viability of the concept of a Regional Court Administrator. As well, during this period, briefs were received from various judicial associations and other interested parties.

Central West Region Selected to Test Recommendations

Based on the reports received from the regional committees, the other briefs received and studies conducted by the Ministry, two basic decisions were reached. These were that the concept of regionalization and the proposed boundaries for the regions appeared to be reasonable and viable, and that there was a definite need to proceed with a plan to test the feasibility of some of the recommendations of the Law Reform Commission. The Central West Region was selected because it is the province in microcosm, with a mix of urban

and rural communities, some travel difficulties, and most of the styles of court administration found throughout the province. It consists of the Judicial Districts of Halton, Haldimand, Norfolk, Niagara North, Niagara South, Waterloo and Hamilton-Wentworth, and the Counties of Brant, Dufferin and Wellington.

The Attorney General's Advisory Committee: Central West

Involvement of Judiciary

Recognizing the need for the involvement and advice of the judiciary in this project, the Attorney General, in August 1974, wrote to the Chief Justice of Ontario and to the Chief Judges of the County, District and Provincial Courts asking each to nominate a representative to a committee to advise him on the project. In October 1974, the committee held its first meeting chaired by Mr. F. W. Callaghan, Q.C., the Deputy Attorney General. The membership of the committee included Mr. Justice T. G. Zuber, representing the Supreme Court of Ontario; His Honour Chief Judge W. E. C. Colter, representing the County, District and Small Claims Courts; His Honour Judge J. L. Roberts, representing the Provincial Court (Criminal Division); and his Honour Judge J. E. Van Duzer, representing the Provincial Court (Family Division).

Liaison Group from County Law Associations

In November, 1974, the Advisory Committee and senior Ministry officials toured the Central West Region to familiarize themselves with the region and the court facilities, and to meet court administration personnel and representatives of the county law associations in the region. As a result of these meetings, a liaison group was established with representatives from each of the county law associations in the region. The Advisory Committee has met

once with all the representatives of the county law associations in the region to discuss legislation proposed to formalize the project. As a result of these discussions, the structure of the Attorney General's Advisory Committee was altered, and Central West was changed to add two representatives of the county law associations.

The Management Team

The Ontario Law Reform Commission recommended that Regional Directors of Court Administration be appointed. As this is a developmental project, it was decided that rather than appoint one person to act as Regional Director, a team, having expertise in each area of court administration, would fulfil that function while the duties and responsibilities of the position were being determined. The Management Team, appointed effective January 1, 1975, with headquarters in Hamilton, is composed of Mr. R. Chaloner, Q.C., Crown Attorney, Wellington; Mr. L. F. Chettleborough, Provincial Court (Family Division), Durham; Mr. G. A. Goldrich, Sheriff and Local Registrar, Wellington; and Mr. A. K. Mackay, Provincial Court (Criminal Division), Hamilton-Wentworth. Mr. D. H. Thornton is the Project Coordinator.

Since January 1, the Management Team has not only been assisting in the solution of current local, operational problems, but has also been reviewing the recommendations of the Ontario Law Reform Commission. It has been developing proposals for the consideration of the Advisory Committee on the means of implementing the recommendations, testing their feasibility and accomplishing the goals established by the Ontario Law Reform Commission.

Sub-Projects

Three major sub-projects have been undertaken to date. These are: caseflow manage-

ment Provincial Court (Criminal Division), standardization of office operations in the provincial court (Criminal Division) and court reporting.

Caseflow Proposal: Provincial Court (Criminal Division)

Goal of Ninety Day Limit

The Ontario Law Reform Commission recommended a ninety day limit for the completion of criminal matters from the date of arrest or summons. As an initial target, the ninety day limit has been set by the Advisory Committee for the completion of all matters before the Provincial Court (Criminal Division). This target would apply from date of arrest or summons to completion of the case by that court.

Guidelines Established

To initiate work towards the achievement of this target, some guidelines had to be drawn to assist not only in caseflow management, but also in the allocation of resources to meet the target as established. After discussions with Chief Judge Hayes of the Provincial Court (Criminal Division) and Senior Judge Roberts of the Provincial Court (Criminal Division), the Advisory Committee established the following guidelines for the Central West Region:

- (i) Provincial judges should hear all matters under the *Criminal Code* and other federal statutes.
- (ii) Qualified Category "A" justices of the peace should hear most cases involving breaches of provincial statutes and municipal by-laws except where the Crown Attorney, in consultation with the judge or justice of the peace, decides that a case is of sufficient import that it should be heard by the judge. (Guidelines are to be established relating to the types of matters that should not be heard by justices of the peace.)

Special Projects — 1974-75

- (iii) A judicial caseload for judges of the Provincial Court (Criminal Division) of 3,000 disposed cases per year, on average, was established as a guideline for the Central West Region.
- (iv) Disposition guidelines for justice of the peace courts are to be established during the course of the project.
- (v) On an experimental basis, unlogged electronic equipment may be used in courts of justices of the peace where feasible.
- (vi) A court reporter should be present in all courts presided over by a provincial judge.
- (vii) A court clerk should be present in courts presided over by a provincial judge unless the judge deems it unnecessary.

Adjournment Courts

Within these guidelines, in areas where the volume of cases permits, adjournment courts presided over by authorized justices of the peace would commence prior to the sittings of a Provincial Court judge. During these sittings, justices of the peace would hear all first appearances and all subsequent appearances until a date was set for trial unless the justice of the peace decided to adjourn the case to the sitting presided over by the judge. When a specific number of adjournments was reached or the accused wished to plead guilty, the case would be set down to the sittings of the Provincial Court judge. Immediately following the adjournment court, and no later than 10:00 a.m., a Provincial Court judge would commence a trial court, and, at this time, hear guilty pleas.

Implementing Caseload Proposals

The Advisory Committee directed the Management Team to implement these caseload proposals on a trial basis in the Judicial District of Halton and the County of Brant. The process of implementing the test programme has started in the former, with preliminary discus-

sions being held with the judges, Crown Attorneys and court administration personnel. Following these initial discussions, the Management Team has been re-evaluating some of the proposals made for Halton and, upon completion of the re-evaluation, further discussions will be held. In addition, the representatives of the county law association, Legal Aid and the police forces involved will be consulted.

Standardization of Office Operations

Manual of Operations

In 1972, the Deputy Attorney General asked three experienced court administrators from the Provincial Court (Criminal Division) to prepare a proposal for standard office procedures of that court. The Management Team has taken these proposals, reviewed them, and, in turn, prepared a draft manual of operations. A series of meetings has been held with the court administrators of the Provincial Court (Criminal Division) from within the region. At these meetings, the proposals were discussed in detail and modifications were proposed. At the same time, the proposals are being discussed with other interested Ministry personnel. Following these discussions, the standards will be revised and tested within the Central West Region, subject to the direction of the Advisory Committee.

Court Reporting

At the direction of the Advisory Committee, plans are now being developed to test the feasibility of the ten recommendations of the Ontario Law Reform Commission relevant to court reporting. One of the most important of these proposed the establishment of a panel of court reporters to serve in all the courts rather than having court reporters assigned to specific courts. The recommendations will be distributed to all regular staff court reporters in the region for discussion prior to steps being taken towards implementation.





Legislation

Administration of Courts Project Act, 1975

Legislation known as *The Administration of Courts Project Act, 1975* will be introduced to formalize the project and to allow the Advisory Committee to make the necessary changes to allow the project to function within the region, without affecting the remainder of the province.

One of the key considerations in the conduct of the pilot project is that court administration cannot operate in isolation from the other elements of the judicial process: the judiciary, the legal profession, Crown Attorneys, the police and the public.

Goal of Service to the Public

This project has been established not only to implement the recommendations of the Ontario Law Reform Commission or to make the court system more efficient, but, as the Deputy Attorney General, Mr. F. W. Callaghan, Q.C., said in his remarks upon the opening of the Assizes of Ontario in January of this year, "To realize what has been termed the 'primary goal of the court system' — service to the public by adjudicative decisions which are not only fair and just but made without delay and at reasonable cost and convenience".

Consequently, consultation with all parties will play a major role in the development and testing of the programmes undertaken. Comments will be appreciated throughout the life of this project.

The North York Traffic Tribunal

Report of Special Committee

In early March of 1973, a special committee reported to the Attorney General on a proposed new system to deal with persons charged under *The Highway Traffic Act*. Wanting to remove

those offences from the formality of the Provincial Court (Criminal Division), and seeking a method of reducing highway carnage by improving driving skills, the committee recommended that accused persons be given a choice of three ways in which their case could be handled:

- (i) Send in a signed plea of guilty by mail together with the amount of the fine as set out in the summons for those offences where the court has provided for an out-of-court settlement; or
- (ii) Attend at a "hearing room" before a "hearing officer" at any time before the appearance date noted on the summons to *enter a plea of guilty with an explanation*; or
- (iii) Attend on the appearance date to enter a plea of not guilty. At this time, while the accused could be represented by counsel, there would be no Crown prosecutor. Instead, the police officer who issued the summons would simply appear to give his evidence.

Reason for the Approach

The committee felt that this less formal approach would encourage the offender to understand his infraction in lieu of simply being punished for it. The hearing officer, at the time of passing sentence, would review with the offender his past and prospective driving habits.

Driver Training to be Available

The committee further recommended that driver training be made available to offenders on a voluntary basis at the time of their hearing. In so recommending, the committee took cognizance of the importance of rehabilitation in reducing recidivism by traffic offenders and of the ever-increasing volume of deaths, injuries and social costs arising from traffic accidents in Ontario.

Special Projects — 1974-75

Implementation

By April 1, 1973, the task of implementing the committee's recommendations had begun, with Howard F. Morton, an Assistant Crown Attorney, serving as project manager. The committee itself having included representatives from both the Ministry of the Attorney General and the Ministry of Transportation and Communications, it was decided to continue the project as an interministerial effort. The Borough of North York was chosen as the site of the pilot project.

Decriminalization of Traffic Offences

One of the main objectives of the pilot project was to remove the hearing of traffic offences from a criminal court setting. It was felt that many traffic offenders who appeared in the existing criminal court system were embarrassed and, in some cases, intimidated by that system. Moreover, the committee was of the opinion that the existing criminal court system was unable to give effect to the primary concern of *The Highway Traffic Act* which is to reduce the ever-increasing number of needless deaths and injuries which occur on Ontario's highways. The committee was of the view that the hearing of traffic offences should be held in a more informal atmosphere which concentrated on the need for rules of the road and driver improvement. This, it was hoped, would encourage a better understanding by the offender of the consequences of his infraction. This approach is best examined under the following headings:

Interior Design

The Tribunal was both designed and decorated with a view to creating an atmosphere which would have a tendency to relax offenders rather than intimidate them. The use of pleasant interior decorating techniques at the Tribunal has, in the view of the committee, clearly accomplished this aim.

Hearing Procedures

Flexibility of Hearing Time

(1) *Pleas of Guilty with an Explanation*

The offender may drop in at the Tribunal at any time after seven days of receipt of the ticket or summons, but at least one business day before the trial date, to offer a plea of guilty with an explanation. This gives the offender at least four weeks to resolve the matter at a time convenient to him. The Tribunal is open to accept pleas of guilty with an explanation from 9:00 a.m. to 9:00 p.m., Monday to Thursday, and on Fridays from 9:00 a.m. to 4:00 p.m.

Upon his arrival at the Tribunal, the offender reports to the receptionist and advises her of his intention to plead guilty with an explanation, stating his name and trial date and handing to her his summons if he has brought it with him. The offender and the original information are then taken to the hearing room. The offender proceeds to the front of the hearing room where he is seated at a T-shaped conference table across from the hearing officer. The purpose of the conference table approach is to create an atmosphere conducive to a discussion between the offender and the hearing officer concerning both the offence itself and the offender's driving habits. Only pleas of guilty are heard in this room.

Explaining Consequences of Guilty Plea

The justice of the peace (hearing officer) advises the offender of the legal consequences of a plea of guilty with an explanation; if the offender indicates that he does wish to plead guilty, the hearing officer then reads the charge to

the offender who pleads guilty and offers his explanation to the hearing officer. A discussion of the explanation then follows. It should be noted that the investigating officer is not present for pleas of guilty with an explanation.

Driving Record Examined

If the hearing officer is satisfied that the offender committed an offence, he then registers a conviction. Following conviction, the hearing officer keys the offender's driver's licence number into the visual display screen terminal positioned beside him. In a matter of seconds, a summary of the offender's driving record appears on both the hearing officer's screen and a screen located directly in front of the offender. A discussion of the offender's driving history then follows. If the hearing officer is of the view that the offender could benefit from driver training, he recommends this to the offender.

Driver Training Course

If the offender agrees to take the course, his word that he will do so is accepted and his prospective attendance is taken into account in sentencing. Usually, he is released without a fine. Thus far, fewer than 4% of those who have agreed to take the one hour course have failed to do so.

Sentencing

If the hearing officer is of the view that the offender would not benefit from driver training, or that the facts of the case or the offender's driving record does not call for it, or if the offender indicates that he does not wish to attend at the driver improvement course, then the offender is sentenced. The hearing officer may take the offender's explanation

into account in assessing the amount of fine to be imposed. This fine may be less than the minimum prescribed by statute for that offence.

Advantages

This separate streaming of pleas of guilty has been found to be advantageous both in terms of effectiveness and of cost. It does away with the need and cost of a full trial where an offender feels he has committed the offence, but wishes to explain why it occurred. Further, it allows him to attend and make this explanation at a time convenient to him. It frees other courts for actual trials, encourages a better relationship between the offender and the administration of justice, and does away with the need for police officers to attend and give evidence on that particular offence. As well, the only court officer required is a justice of the peace.

(2) Pleas of Not Guilty

Where an accused person wishes to enter a plea of not guilty, he attends on the summons date for his "trial".

Informality

Informality and the need for driver improvement are again stressed. Each session commences with an opening statement by the justice of the peace of approximately five minutes duration in which the hearing room procedure is explained. Emphasis is placed on the need for driver improvement, with Ontario driving statistics being cited.

No Prosecutor

The justice of the peace is seated at a dais from which two wings project, each

with a chair for a witness. When an accused's case is called, he and the police officer come forward, each taking a seat in one of the wings facing the justice of the peace. There is no prosecutor; while the offender may cross-examine the police officer, only the justice of the peace may question the accused. If the accused is found to have committed the offence, the record review system, discussion, and offer of the driver improvement course are the same as in the event of a plea of guilty with an explanation.

(3) Accident Cases
Prosecutor where Accident has Resulted

All of the above mentioned principles are utilized where the traffic offence has resulted in an accident, with the exception that a prosecutor is present to conduct the case for the Crown.

Innovations

In all of the hearing rooms, the following innovations are being implemented:

- (a) There are no court reporters; rather, the evidence is recorded on cassette tape recorders.

Honour System

- (b) In other traffic courts, when a fine is imposed, a police officer escorts the offender to the cashier to pay the fine. This system was disliked both by offenders who felt the implication was that they were dishonest, and by the police officer who felt that he was a debt collector. At the Tribunal, an honour system has been adopted whereby an offender is given a slip of paper indicating the amount of the fine. He takes this to the cashier and pays his fine.

Print-out of Driving Record

- (c) Whenever an offender's driving record is "called up" on the video screen in the hearing room, a hard copy printer located in the driver improvement area prints out a copy of the record for the offender to take with him.

The Driver Improvement Centre

Objective of Improving Driving Habits

One of the chief objectives of the pilot project was to implement a driver improvement programme as part of the Tribunal structure in such a way that it is an integral part of the sentencing process.

In the past, by adapting the criminal process to traffic offences, a convicted offender would simply be fined and sent back on the road. Although a certain number of demerit points would be registered on his driving record as a result of his conviction, the court would not communicate this to the offender, who would not be called on to discuss his driving habits until he had accumulated nine or more points in a two year period. It is hoped that by appearing in a tribunal where his driving habits are the predominant concern, both in the hearing room and the driver training classrooms, the offender will become aware of the need for him to improve his driving habits.

Driver Improvement Programme

The Ministry of Transportation and Communications has developed a driver improvement programme for use at the pilot project. The programme is a one hour on-the-spot session which is offered on a voluntary basis to offenders



Special Projects — 1974-75

found guilty of a minor traffic offence. There are two driver training classrooms at the Tribunal. The programme is taught at straddled hours in both classrooms so that it will be available to offenders with a minimum amount of delay.

Second Course

A second and more detailed course consisting of three 2½ hour sessions has also been developed by the Ministry of Transportation and Communications. The content of this course is aimed at offenders with more serious driving records. It is hoped that this course will be introduced at a later stage in the pilot project.

At the outset of the project, driver training was only offered to offenders convicted of "minor traffic" offences. At a later stage of the project, driver training was also offered to offenders convicted of "accident offences" and careless driving, etc. It should be noted, however, that the Centre will accommodate any person requesting to take the course on a guest basis.

Four driver training instructors have been hired and are under the direction of a driver-training supervisor at the Tribunal. All of the instructors have several years driver-training teaching experience in the armed forces.

Evaluation

Success

Since its inception, the North York Traffic Tribunal has been under careful analysis and review. The results of these studies, which point to the project being an outstanding success, may be summarized as follows:

Public Reaction

- (1) Subjective comparison by offenders themselves indicated that the North York Traffic Tribunal was well accepted as an alternate method of dealing with traffic offences.
- (2) Objective comparisons of the written comments received strongly reinforced the above point.
- (3) Objective comparisons of survey results indicated a significantly more favourable reaction to the justices of the peace at the North York Traffic Tribunal and a slightly less favourable picture of the police officers.

Better Public Understanding

- (4) Subjects at the North York Traffic Tribunal rated themselves as having understood the court procedures much better.

Less Police Time

- (5) All indications are that police officers are having to spend less time in court.

Fewer Trials

- (6) Of the accused who choose to come to court, more are electing not to have a trial, and are instead taking advantage of the opportunity to plead guilty with an explanation. This is not only resulting in savings of cash and time, but is also encouraging drivers to come to the Tribunal to discuss and improve their driving abilities.

Reduced Backlog

- (7) A comparison of the time within which offences were processed at the Tribunal and at test locations in Willowdale and Scarborough indicated that the Tribunal

has sharply reduced the backlog. The disposition date from the date of offence has levelled off at approximately 41 to 45 days, which is substantially better than under the regular system in Scarborough, which on an average is approximately 18 to 20 days longer and in many cases exceeds 100 days. In addition, studies indicate that the use of the existing system in Scarborough is resulting in a gradual lengthening of the disposition date for a majority of the offences.

Better Use of Facilities

- (8) The use of the five sittings per day allows for more actual hearing time for offences and a more intensive use of the physical facilities.

Acceptance of Driver Improvement Programme

- (9) There has been a very substantial acceptance of the driver improvement programme, including the attendance at the programme on a walk-in basis of other members of the families of offenders and friends of offenders who have heard about the programme.

Beneficial Effects

- (10) There is a general positive public reaction to the Tribunal. The concept of the Tribunal seems to have had a beneficial effect on the justices of the peace, the administrative support staff and the police, with the result that the appearance of the administration of justice has been substantially improved.

Boards and Commissions

Assessment Review Court

Chairman:	E. K. Pukacz
Vice-Chairman:	R. D. Baxter
Vice-Chairman (Part-time):	S. R. McNeil

Function

The object of this court is to provide an appeal procedure for the review and determination of equitable real property assessment in Ontario. The workload of the court is dependent upon the number of persons who appeal their assessment as a result of the actions of the assessment division of the Ministry of Revenue and the local taxing authorities.

In previous years, most hearings were concentrated between October 1st and December 31st of each year. By reason of the defreezing of the assessment roll in 1974 for the municipal taxation year 1975, the concentration of hearings is now between January 20th and May 31st. This arrangement, which arises from recent amendments to *The Assessment Act*, will continue for future years.

Market Value Assessment

Activities in the past year included the following: On March 1st, 1974, by proclamation, the County of Grey (except the City of Owen Sound), the District of Muskoka, the west part of the District of Parry Sound and the Town of Wasaga Beach were assessed at market value. Approximately 10,795 appeals from these assessments were processed and heard during the spring months by the court. There were 662 appeals from the decisions of the courts to the county and district judges.

In December 1974, pursuant to amendments to *The Assessment Act*, assessment notices were sent to all assessed persons, including tenants, in the province. This was the first time that new assessment rolls had been returned to the municipality since the rolls were frozen in

1970. At the present time, the court is processing and hearing approximately 70,000 appeals arising from these notices together with approximately 25,000 appeals against supplementary assessment notices and tax applications.

On December 2nd, 1974, by proclamation, the District of Manitoulin and the east part of the District of Parry Sound were assessed at market value. Assessment appeals in Manitoulin have been heard as have those in east Parry Sound.

New Data Processing System

During 1974, the data processing system used by the court to process appeal information was implemented by initiating a procedure known as optical character recognition. The installation of equipment for this purpose in the various court offices operated by our own personnel has eliminated the need for outside keypunching services and has enabled the court to maintain a more effective control of the whole operation.

Educational Seminars with Active Court Members

In addition, during the past year, local seminars were held with all active court members to discuss court practices and procedures and to inform them of changes in legislation which have effected the operation of the court. The seminars were part of a process of continuing education to endeavour to achieve a high degree of competence amongst the members and a general standardization of practices of the court in all parts of the province. In this regard, the Members' Manual of Instruction concerning practice and procedure is being completely revised and updated. There are at present 149 active members of the court throughout the province.

Statistics on the Assessment Review Court follow.

Summary of Assessment Review Court Appeals

	1972-73	1973-74	1974-75
Section 52 of The Assessment Act (I)	33,727	40,538	70,221
Sections 42/43/44 of The Assessment Act (II)	4,364	4,841	12,449
Section 636A of The Municipal Act (III)	10,272	10,552	13,176
Total	48,363	55,931	95,846
FOOTNOTES: (I) This section deals with errors or omissions in assessment rolls. (II) This section deals with assessments omitted from collector's rolls. (III) This section deals with the cancellation, reduction or refund of taxes.			

Board of Negotiation

Acting Chairman: W. C. Dymond

Members: J. M. Bennett
J. A. Ferguson
F. L. Heaman
W. J. Mowat
L. J. Schedlin

Function

The Board of Negotiation was created by the provisions of *The Expropriations Act, 1968-69*. It provides an informal tribunal which, without prejudice to any subsequent arbitration procedures, may negotiate in a summary and informal manner of settlement of a compensation in expropriation cases.

Informality

The Board, upon receiving a written request from either party, arranges meetings between the expropriated party and the expropriating authority. A formal notice is issued to both parties, advising them of the time and place of the meeting, which can be held throughout the province without cost to either party. A unique provision of the Act provides that the Board shall view the property in question.

An individual may appear on his own behalf to present his compensation claim. If no agreement follows these informal negotiations, the parties are free to proceed to arbitration to the Ontario Land Compensation Board.

Following is a statistical review for the fiscal year 1974-75.

Boards and Commissions

Board of Negotiation

Activity Report — Fiscal Year April 1, 1974 - March 31, 1975

Expropriating Party	Number of Applications
Board of Education Waterloo County	1
Borough of Etobicoke	1
Borough of York	1
City of Belleville	1
Brampton	2
Burlington	1
Chatham	1
Guelph	2
Hamilton	4
Kingston	2
London	1
Ottawa	2
St. Thomas	2
Thunder Bay	9
Vanier	1
Welland	25
Conservation Authorities Credit Valley	11
Grand River	25
Mattagami Region	6
Napanee Region	1
County of Elgin	1
Haliburton	1
Middlesex	5
Oxford	2
Peel	4
Metropolitan Toronto Separate School Board	1
Ministry of Environment	1
Government Services	5
Housing	7
Transportation and Communications	62
Municipality of Metropolitan Toronto	25
Municipality of Metropolitan Toronto — Subway Committee	1
Niagara Parks Commission	1
Ontario Hydro	10
Regional Municipality of Halton	1
Niagara	2
Ottawa-Carleton	43
York	10
Peel	7
Town of Cobourg	1
Grimsby	3
Midland	1
Oakville	2
Township of Bayham	1
Union Gas Company of Canada Limited	2

Board of Negotiation

	1973-74	1974-75
Requests for Hearings	256	298
Hearings Held	222	283
Outstanding	35	34

Criminal Injuries Compensation Board

Chairman:	Eric Silk, O.C.
Vice-Chairman:	Shaun MacGrath
Vice-Chairman (part-time):	R. C. Rutherford, Q.C.
Member (part-time):	Judge V. K. McEwan
Member (part-time):	A. R. Willmott, Q.C.
Member (part-time):	Anne Austin
Member (part-time):	S. D. Cork

The Criminal Injuries Compensation Board, composed of seven members from business, law and the academic field, administers *The Compensation for Victims of Crime Act, 1971*, the successor to *The Law Enforcement Compensation Act, 1967*.

Function

The Board decides upon the eligibility of applicants for compensation as well as the amount of compensation to be awarded. Compensation is awarded, for personal injury only, when a person in Ontario is injured or killed as a result of a crime of violence which is an offence against the *Criminal Code* of Canada. Such offences include assault, wounding, murder, rape and various others. Injury caused by a motor vehicle is excluded from the Act unless the vehicle is used to commit an assault. Compensation may also be awarded where an injury is sustained while lawfully arresting or attempting to arrest a

person for an offence against another person; assisting a law enforcement officer in the performance of his duties; or preventing or attempting to prevent an offence against another person.

Increasing Public Convenience

In the past fiscal year, the Board, seeking to increase public convenience, made a more general practice of holding sittings outside of Toronto. Sittings were held in Kenora, Thunder Bay, Sault Ste. Marie, Timmins, Elliot Lake, Sudbury, Ottawa, Woodstock, London and Windsor. Plans are being made to pursue this decentralized system of sittings wherever feasible.

Towards Uniformity of Awards

One of the main problems of the Board is maintaining the maximum degree of uniformity in awards for pain and suffering. To this end, special studies were undertaken in the summer of 1974, utilizing the services of law students. These studies resulted in digests of all decisions of the Board from the time of the establishment of its predecessor in 1967. Additionally, a specially designed index of the digests was prepared; both digest and index have been reproduced for Board members.

Board's Annual Report

In addition to the Board's annual report, which is available from the Criminal Injuries Compensation Board, a brochure was produced which details eligibility and the application process. These brochures, which are presently being translated into French and Italian, are available in court offices, police stations, hospitals, legal aid offices, doctors' offices, lawyers' offices and a number of public places.

Following is a comparative summary for the fiscal years 1972-1973, 1973-74 and 1974-75.

Boards and Commissions

Comparative Summary for Fiscal Years

Applications and Disposition

	1972-73	1973-74	1974-75
Eligible Applications Received	486	510	639
Applications Heard (1)	461	386	381
Applications Heard and Dismissed	51	22	40
Applications Heard — Further Evidence Required	13	5	6
Second Hearings	3	4	8
Review of Awards	4	1	1
Decisions Completed and Awards Ordered (2)	433	402	349
Interim Awards	6	3	Nil
Supplementary Awards	16	27	12
Periodic Awards	19	10	16
Lump Sum Payments	\$556,831.44	\$591,944.26	\$561,114.03
Periodic Payments	\$ 74,339.00	\$130,963.07	\$165,814.00
Total of Awards Ordered	\$631,170.44	\$722,637.33	\$726,928.03
Average Award (3)	\$ 1,285.98	\$ 1,472.50	\$ 1,607.77
Hearings Pending	393	426	599

NOTE: (1) Includes Heard and Dismissed and Heard and Further Evidence Required.

(2) Includes Interim, Supplementary and Periodic Awards.

(3) Periodic Payments not included when arriving at Average Award.

Land Compensation Board

Chairman: J. S. Yoerger, Q.C.
Vice-Chairman: Roy M. Grant, Q.C.
Vice-Chairman: Gordon W. Ford, Q.C.

Members: G. M. Hobart D. W. Middleton
G. P. Marriott E. H. Reed
J. A. McConaghy G. Campbell

Based on Market Value

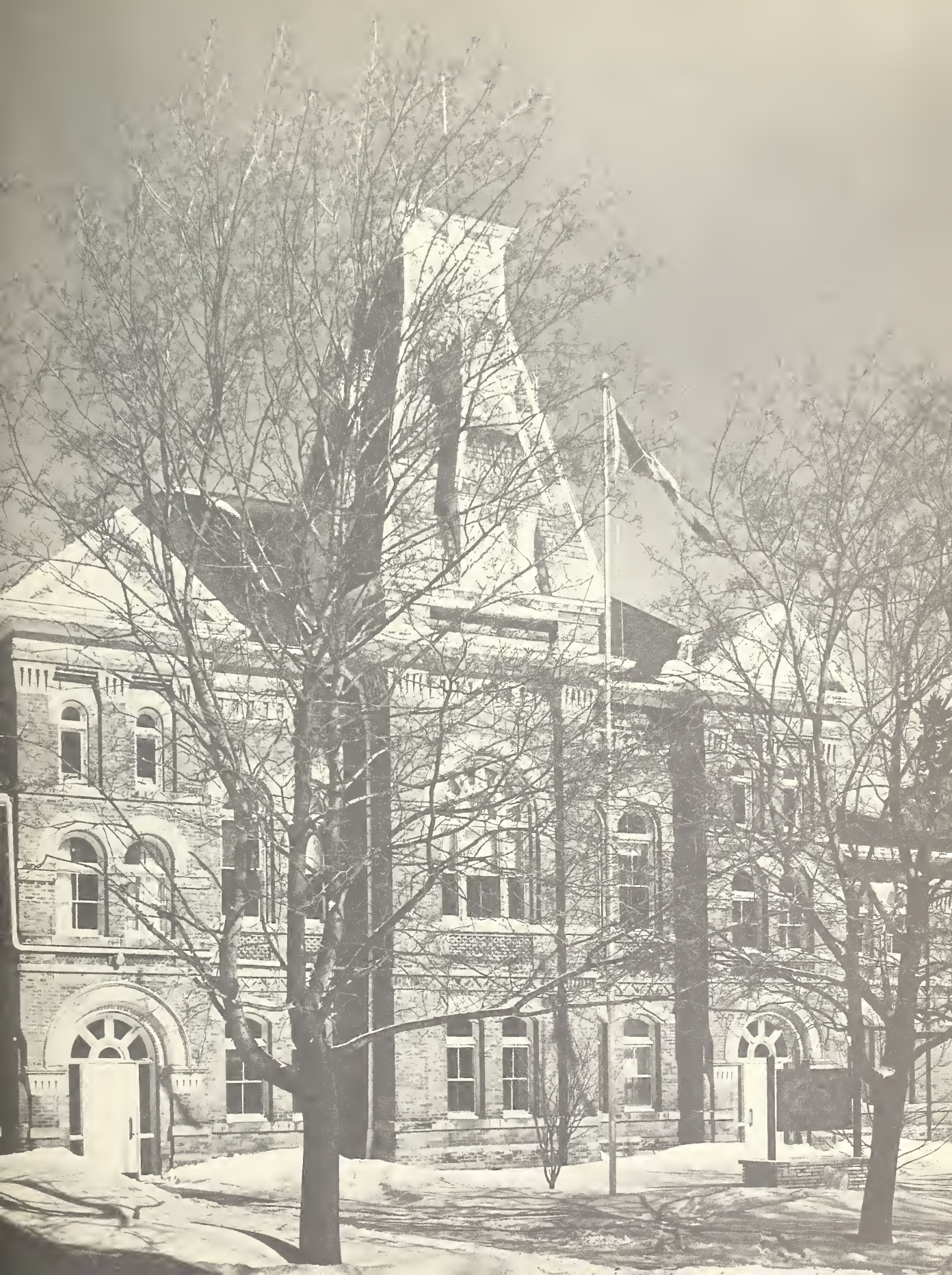
Claims for compensation are based upon the market value of the land expropriated. As well, claims may be made for damages attributable to disturbance, injurious affection to the remaining land of the claimant, personal and business losses, and in respect of any special difficulties in relocation.

Sole Arbitration Tribunal

The Land Compensation Board, established in December, 1970 by the proclamation of Section 28 (1) of *The Expropriations Act*, is the sole arbitration tribunal in the Province of Ontario determining compensation. Its jurisdiction supplants that of the county judges, the Ontario Municipal Board and official arbitrators.

Purely Judicial Function

The assessment of compensation is purely a judicial function. It requires knowledge of the relevant law and its application to the proven facts and expert opinions adduced in evidence. The Chairman or Vice-Chairman and two other members constitute a quorum of the Board, which holds sittings in any centre in Ontario.



Boards and Commissions

Cases Reported

The Board is required to prepare written reasons for its decisions. These are reported in a publication entitled "Land Compensation Report", which is commercially published. In addition, decisions of this Board are

circulated regularly to university and law libraries, legislative libraries and county law libraries and the press.

Following are statistics on the activities of the Board in recent fiscal years with a full report on the fiscal year 1974-75.

Land Compensation Board Statistical Data With Comparative Information Relevant to Board Activities in the Years 1972-73, 1973-74, 1974-75

Notices of Arbitration	72-73	73-74	74-75
Applications received	99	79	132
Applications completed:			
(a) by arbitration	46	26	33
(b) by settlement	28	73	45
Written Decisions of the Board	46	26	33
Notices of Motion	72-73	73-74	74-75
Applications received	15	25	22
Written Rulings of the Board	7	12	19

Land Compensation Board Report of Operations For the Fiscal Year 1974-75

Notices of Arbitration

Filed with the Board		132
Hearings completed		23
In Metropolitan Toronto	12	
In London	2	
In Windsor	3	
In Belleville	1	
In Ottawa	2	
In Sudbury	1	
In St. Thomas	1	
In Chatham	1	
	23	
Total amount claimed		\$6,564,648
Total amount awarded		\$4,737,808

Notices of Motion

Filed with the Board	23
Completed	22
Abandoned	1
To Be Heard	0

Office of the Official Guardian

Function

The Official Guardian provides legal services for minors, and occasionally for unborn and unascertained persons, to ensure effective representation of their rights and claims before the courts.

Furthermore, the Official Guardian is apprised of new trends and developments in child law and attempts to meet related responsibilities consistent with his present jurisdiction.

Activities

The activities of the Official Guardian break down into four main categories:

- (1) Legal services rendered in the Surrogate Court with respect to claims and audits of estate accounts;
- (2) General counsel work in all other courts in Ontario including the Supreme Court of Canada;
- (3) Processing payments from all sources into the Office of the Accountant of the Supreme Court of Ontario to the credit of minors, and, when appropriate, arranging for payments out of court for their maintenance, medical, educational and dental expenses.
- (4) Preparation of reports for the benefit of the court in determining custody in divorce proceedings when "children of the marriage" are involved.

Increasing Demand

Overall, the work of the Official Guardian has expanded considerably in recent years. Nine new employees were added in the last fiscal year to meet the demand for services. In fiscal 1974, 15,804 new cases were taken on by the Official Guardian, up more than 19% from 1971.

Boards and Commissions

Part I Annual Report of Operations for the Fiscal Year 1974-75

The statistical data for the fiscal year 1974-75 and for the calendar years 1971 to 1973 inclusive is as follows:

1. Surrogate Court Audits	1971 — 734 — (<i>Increase in 1971</i>) — 9
	1972 — 629 — (<i>Decrease in 1972</i>) — 105
	1973 — 653 — (<i>Increase in 1973</i>) — 24
	1974 — 624 — (<i>Decrease in 1974</i>) — 29
2. Matrimonial Causes New Matters	1971 — 8,246 — (<i>Increase in 1971</i>) — 250
	1972 — 9,612 — (<i>Increase in 1972</i>) — 1,366
	1973 — 10,342 — (<i>Increase in 1973</i>) — 730
	1974 — 11,998 — (<i>Increase in 1974</i>) — 1,656
3. Number of Payments Into Court	1971 — 365 — (<i>Increase in 1971</i>) — —
	1972 — 244 — (<i>Decrease in 1972</i>) — 121
	1973 — 218 — (<i>Decrease in 1973</i>) — 26
	1974 — 188 — (<i>Decrease in 1974</i>) — 30
4. New Fiats Authorizing Payments out of Court for Maintenance and Other Purposes	1971 — 799 — (<i>Decrease in 1971</i>) — 11
	1972 — 502 — (<i>Decrease in 1972</i>) — 297
	1973 — 370 — (<i>Decrease in 1973</i>) — 137
	1974 — 295 — (<i>Decrease in 1974</i>) — 75
5. Number of Payments out of Court Pursuant to Existing Fiats	1971 — 1,637 — (<i>Decrease in 1971</i>) — 47
	1972 — 1,527 — (<i>Decrease in 1972</i>) — 110
	1973 — 1,783 — (<i>Increase in 1973</i>) — 256
	1974 — 1,583 — (<i>Decrease in 1974</i>) — 200
6. General Counsel Work in Matters Arising out of: The Child Welfare Act; The Dependants' Relief Act; The Devolution of Estates Act; The Dower Act; The Fatal Accidents Act; The Highway Traffic Act; The Infants Act; The Insurance Act; The Mortgages Act; The Partition Act; The Settled Estates Act; The Surrogate Courts Act; The Trustee Act; The Variation of Trusts Act and The Wills Act.	1971 — 1,251 — (<i>Decrease in 1971</i>) — 50
	1972 — 1,129 — (<i>Decrease in 1972</i>) — 122
	1973 — 1,029 — (<i>Decrease in 1973</i>) — 100
	1974 — 1,116 — (<i>Increase in 1974</i>) — 87
7. New Miscellaneous Matters Numerous attendances, telephone inquiries and extensive correspondence, both with solicitors and the general public, pertaining to the solving of problems relating to the personal and financial welfare of infants.	
8. Summary of the Total Number of New Matters and Cases in the Years	1971 — 13,256
	1972 — 13,643
	1973 — 14,395
	1974 — 15,804

Part II Programme of Operations for the Fiscal Year 1975-76

The office of the Official Guardian does not nor does it attempt to develop new programmes and activities. The office for practical purposes simply renders legal services on behalf of persons under a disability consisting mainly of minors under the age of eighteen years.

The forecast of the programmes and activities for the fiscal year 1975-76 and for each of the three succeeding years are as follows:

1. Surrogate Court Audits	1975-76	630
	1976-77	650
	1977-78	650
	1978-79	650
2. Matrimonial Causes New Matters	1975-76	13,500
	1976-77	14,500
	1977-78	15,500
	1978-79	16,500
3. Number of Payments into Court	1975-76	209
	1976-77	225
	1977-78	225
	1978-79	225
4. New Fiats Authorizing Payments out of Court for Maintenance and Other Purposes	1975-76	298
	1976-77	400
	1977-78	425
	1978-79	450
5. Number of Payments out of Court Pursuant to Existing Fiats	1975-76	1,729
	1976-77	2,000
	1977-78	2,100
	1978-79	2,200
6. General Counsel Work	1975-76	1,200
	1976-77	1,250
	1977-78	1,300
	1978-79	1,350

Boards and Commissions

Ontario Law Reform Commission

- Chairman: H. Allan Leal, Q.C., LL.M., LL.D.
- Vice-Chairman: Honourable James C. McRuer, Q.C., LL.D., D.C.L.
- Members: Honourable Richard A. Bell, P.C., Q.C.
W. Gibson Gray, Q.C.
William R. Poole, Q.C.

Function

The Ontario Law Reform Commission was established in 1964 to enquire into and consider any matters relating to:

- (1) reform of the law having regard to statute law, the common law and judicial decisions;
- (2) the administration of justice;
- (3) judicial and quasi-judicial procedures under any Act; or
- (4) any subject referred to it by the Attorney General.

Reports from the Commission on matters initiated by it and other subjects referred to it by the Attorney General have been made over the past 11 years. Many have formed the basis for either new legislation or amendments to existing statutes, including *The Condominium Act*, *The Expropriations Act*, *The Age of Majority and Accountability Act*, civil rights legislation and family law legislation.

Report on Support Obligations

In the past fiscal year, the Commission devoted a majority of its time and efforts to the completion of the research and the preparation of the Report on Support Obligations in the Family Law Project. In addition, the Commission initiated a study of the International Convention Providing a Uniform Law on the Form of the International Will and continued work in a number of other areas including the Minister's references on *The Sale of Goods Act*, *The Religious Institutions Act*, *The Mortmain and*

Charitable Uses Act and the Commission's initiated projects on *The Change of Name Act* and the Law of Property Project.

As in previous years, the Ontario Law Reform Commission has continued its liaison with other law reform agencies throughout the world. This included visits of officials from Australia, New Zealand, Prince Edward Island and Alberta.

Full Report Available

A full report for the fiscal year 1974-75 is available from the Law Reform Commission.

Ontario Municipal Board

- Chairman: W. H. Palmer
- Vice-Chairman (Administration): R. M. McGuire
- Vice-Chairman: A. H. Arrell, Q.C.
- Vice-Chairman: D. Jamieson
- Vice-Chairman: W. Shub, Q.C.
- Vice-Chairman: F. G. Blake
- Vice-Chairman: A. L. McCrae

Jurisdiction

The Ontario Municipal Board draws its jurisdiction from *The Ontario Municipal Board Act*, *The Planning Act*, *The Secondary Schools and Boards of Education Act*, *The Public Transportation and Highway Improvement Act* and *The Assessment Act*.

Independent Tribunal

The Board is not an arm of the government, but rather is an independent administrative tribunal exercising a wide jurisdiction in relation to municipalities. In essence, it is responsible for the sound growth and development of Ontario's municipalities as provided for by the Legislature, with particular emphasis on economic stability. The operations of the Board fall into five discreet roles:

Five Roles

- (i) as a quasi-judicial tribunal — for example, acting as the final appeal tribunal in assessment matters;
- (ii) performing an administrative role in the validation of municipal debenture by-laws and the certification of the validity of debentures;
- (iii) performing a ministerial role in deciding upon the creation, dissolution, annexation and amalgamation of municipalities;
- (iv) exercising a financial supervisory role in approving capital expenditures and projects of municipalities; and
- (v) undertaking a planning role under *The Planning Act* in reviewing zoning by-laws and the like.

Appeals

In all matters of law and jurisdiction, appeals lie to the Divisional Court; in most matters, a party may also appeal by way of petition to the Lieutenant Governor in Council. In the year ending December 31st, 1974, the Board held hearings on 2,142 applications and appeals, while a total of 6,995 orders were prepared and issued.

Annual Report Available

The Board's Annual Report is available from its offices.

Public Trustee

F. J. Maher, Q.C., Public Trustee

Duties

Funds in excess of \$120,000,000.00 were the responsibility of the Public Trustee at the end of the fiscal year. His duties include the administration of the estates of mentally incompetent persons in provincial psychiatric facilities, nursing homes and homes for special care, and the administration of the estates of persons

who die leaving no next-of-kin or heirs-at-law in the province. Additionally, under *The Charities Accounting Act* and other relevant statutes, the Public Trustee has a duty to protect the rights of charities. A survey of charitable trusts is maintained to ensure that they are properly administered in accordance with the applicable laws.

Special Trusts

In past years, the Public Trustee has also acquired an increasing number of special trusts. These are gained by accepting requests from the public to exercise powers of attorney, by becoming committee for persons under *The Mental Incompetency Act*, by the direction of a court, or by allocation under *The Workmen's Compensation Act* and *The Compensation for Victims of Crime Act*. Further, under *The Cemeteries Act*, the office continues to acquire funds for administration in connection with the perpetual care of cemeteries.

Other Responsibilities

Under *The Business Corporations Act*, the office takes on trusts on the winding up of corporations where there are creditors or shareholders entitled to distributions whose whereabouts are unknown. It also acts on behalf of the Crown with respect to the forfeiture of assets of corporations whose charters have been dissolved.

I.O.S. Investment Fund

One of the major corporate transactions with which this office is currently involved concerns the I.O.S. complex. It was agreed by the Liquidators and the Intergovernmental Committee that this office should take over the shares owned by people around the world pursuant to their investment in the I.O.S. Investment Fund. These shares are presently held by the Bank of New York as custodian. Subject to the approval of the courts, these

Boards and Commissions

assets will be released to the Public Trustee who will then have the responsibility of distributing them to the shareholders pro rata. In the past year, this office, in connection with the cancellation of the charter of Transglobal Financial Services Limited, succeeded in completing a sale of its major asset, realizing nearly \$10,000,000.00. Some of these funds must be held in escrow in Luxembourg and Holland as security for claims which are pending against Transglobal.

No Increase in Staff

Despite an increase of some 9% in the assets administered by this office for patients and Crown estates, it has continued to function smoothly without an increase in its staff of 155. As responsibilities continue to increase at a steady rate, a feasibility study is being conducted with a view to reorganizing the office's operations to ensure the continuation of effective public service.

Comparative Statement of Earnings and Expenses as at March 31st

	1975	1974	1973
Fees: Patients' Estates	\$ 741,177	\$ 650,610	\$ 672,343
Crown Estates	332,860	290,034	266,895
Special Trusts	87,909	70,648	60,905
Company Trusts	11,217	10,772	9,233
Cemetery Trusts	13,164	11,301	9,692
Charities	52,809	36,019	27,728
Total Fees	1,239,136	1,069,384	1,046,796
Bank Interest	10,482	12,351	4,603
Profit from Investment Fund Account	1,358,599	1,247,834	1,517,046
	2,608,217	2,329,569	2,568,445
Less — Debit Balances Written Off	68	328	231
Gross Earnings	2,608,149	2,329,241	2,568,214
Less — Operating Expenses	1,900,000*	1,736,989	1,680,568
NET EARNINGS FOR YEAR	\$ 708,149	\$ 592,252	\$ 887,646

*Estimated

Investment Fund Account as at March 31st

	1975	1974	1973
Bonds at Amortized Cost	\$ 67,983,056	\$60,981,596	\$54,280,254
Accrued Interest Received	1,293,646	1,071,902	965,024
Cash in Bank	3,298	21,502	14,722
	<u>\$69,280,000</u>	<u>\$62,075,000</u>	<u>\$55,260,000</u>
Interest Earned on Investments	\$ 4,586,351	\$ 3,695,367	\$ 3,519,513
Interest Earned on Bank Accounts	37,790	31,581	50,513
	<u>4,624,141</u>	<u>3,726,948</u>	<u>3,570,026</u>
Less: Interest Allowed	2,713,118	2,338,134	2,052,980
Book Loss on Exchange of Securities	552,424	140,980	—
Net Earnings	<u>\$ 1,358,599</u>	<u>\$ 1,247,834</u>	<u>\$ 1,517,046</u>

Securities Held for Investment Fund Account as at March 31st, 1975

	Total Par Value	Total Book Value	March 31, 1975 Market Value
Ontario Hydro	\$48,225,000	\$47,842,618	\$44,328,010
Province of Ontario	20,260,000	19,990,438	17,117,775
Government of Canada	150,000	150,000	134,400
	<u>\$68,635,000</u>	<u>\$67,983,056</u>	<u>\$61,580,185</u>

Assets Under Administration

	1975	1974	1973
	\$127,467,649	\$111,573,389	\$99,329,671



Acts Administered by the Ministry of the Attorney General

Absconding Debtors Act	Factors Act
Absentees Act	Family Law Reform Act, 1975
Accidental Fires Act	Fatal Accidents Act
Accumulations Act	Fines and Forfeitures Act
Administration of Justice Act	Fraudulent Conveyances Act
Age of Majority and Accountability Act, 1971	Fraudulent Debtors Arrest Act
Aliens' Real Property Act	Frustrated Contracts Act
Arbitrations Act	Gaming Act
Architects Act	General Sessions Act
Assessment Act	Habeas Corpus Act
Assessment Review Court Act, 1972	Hospitals and Charitable Institutions
Assignments and Preferences Act	Inquiries Act
Bail Act	Hotel Registration of Guests Act
Barristers Act	Infants Act
Bulk Sales Act	Innkeepers Act
Business Records Protection Act	Interpretation Act
Change of Name Act	Judges' Orders Enforcement Act
Charitable Gifts Act	Judicature Act
Charities Accounting Act	Judicial Review Procedure Act, 1971
Children's Maintenance Act	Juries Act, 1974
Commissioner for Taking Affidavits Act	Justices of the Peace Act
Compensation for Victims of Crime Act, 1971	Landlord and Tenant Act
Constitutional Questions Act	Law Society Act
Conveyancing and Law of Property Act	Legal Aid Act
Costs of Distress Act	Legitimacy Act
County Court Judges' Criminal Courts Act	Libel and Slander Act
County Courts Act	Limitations Act
County Judges Act	Lord's Day (Ontario) Act
Creditors' Relief Act	Married Women's Property Act
Crown Administration of Estates Act	Master and Servant Act
Crown Agency Act	Matrimonial Causes Act
Crown Attorneys Act	Mechanics' Lien Act
Crown Witnesses Act	Mental Incompetency Act
Dependants' Relief Act	Mercantile Law Amendment Act
Deserted Wives' and Children's	Ministry of the Attorney General Act (formerly
Maintenance Act	Department of Justice Act)
Devolution of Estates Act	Minors' Protection Act
Disorderly Houses Act	Mortgages Act
Dominion Courts Act	Municipal Conflict of Interest Act, 1972
Dower Act	
Escheats Act	Negligence Act
Estreats Act	Notaries Act
Evidence Act	Ontario Law Reform Commission Act
Execution Act	Ontario Municipal Board Act
Expropriations Act	
Extra-Judicial Services Act	

Parents' Maintenance Act	Variation of Trusts Act
Partition Act	Vendors and Purchasers Act
Partnerships Act	Vexatious Proceedings Act
Pawnbrokers Act	Vicious Dogs Act
Perpetuities Act	
Petty Trespass Act	Wages Act
Powers of Attorney Act	Warehousemen's Lien Act
Proceedings Against the Crown Act	White Cane Act
Professional Engineers Act	Wills Act
Property and Civil Rights Act	
Provincial Courts Act	
Public Accountancy Act	
Public Authorities Protection Act	
Public Halls Act	
Public Inquiries Act, 1971	
Public Institutions Inspection Act, 1974	
Public Officers' Act	
Public Officers' Fees Act	
Public Trustee Act	
Quieting Titles Act	
Reciprocal Enforcement of Judgments Act	
Reciprocal Enforcement of Maintenance Orders Act	
Regulations Act	
Religious Institutions Act	
Replevin Act	
Sale of Goods Act	
Seduction Act	
Settled Estates Act	
Sheriffs Act	
Short Forms of Conveyances Act	
Short Forms of Leases Act	
Short Forms of Mortgages Act	
Small Claims Courts Act	
Solicitors Act	
Statute of Frauds	
Statutes Act	
Statutory Powers Procedure Act, 1971	
Summary Convictions Act	
Surrogate Courts Act	
Survivorship Act	
Ticket Speculation Act	
Time Act	
Trustee Act	
Unconscionable Transactions Relief Act	
University Expropriation Powers Act	

